

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

नं. 44]

नई दिल्ली, शनिवार, अक्टूबर 31, 1987/ कार्तिक 9, 1909

No. 44]

NEW DELHI, SATURDAY, OCTOBER 31, 1987/KARTIK 9, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

कार्मिक और लोक शिकायत तथा पेंशन मंत्रालय

(कर्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 14 अक्टूबर, 1987

का. आ. 2943—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री छनर सिंह, अधिवक्ता, जलंधर को, श्री रमेश खोसला, मैमर्स खोसला इंजीनियरी कंपनी, जलंधर रोड, कपूरथला, पंजाब के प्रबन्धकारी और पाल 'अन्य के विरुद्ध जिनमें श्री जमवालसिंह प्रदान रोकड़िया, पटियाला स्टेट बैंक, पटियाला, पंजाब भी सम्मिलित है, दिल्ली विशेष पुलिस स्थापन नियमित मामला सं. आ.सी 3/73 एक दम आई. का, विशेष न्यायिक भिजस्ट्रेट प्रथम श्रेणी, पटियाला, पंजाब के न्यायालय में, आयोजन और उससे उत्पन्न होने वाली किसी अन्य कार्यवाहियों के संचालन के प्रयोजन के लिए विशेष लोक आयोजक के रूप में नियुक्त करता है।

[संख्य. 225/25/87- ए. पी. डी. (II)]

जी. सीताधामन, अवर सचिव

MINISTRY OF PERSONNEL, P.G. AND PENSIONS

(Department of Personnel & Training)

New Delhi, the 14th October, 1987

S.O. 2943.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) the Central Government hereby

appoints Shri Chatar Singh, Advocate Jalandhar, as a Special Public Prosecutor for the purpose of conducting the prosecution and also any other proceedings arising out of the Delhi Special Police Establishment Regular Case No. RC-3/73-FSI against Shri Ramesh Khosla, Managing partner of M/s. Khosla Engineering Company, Jalandhar Road, Kapurthala, Punjab and five others including Shri Jaspal Singh, Head Cashier of the State Bank of Patiala, Bhatinda, Punjab, in the court of Special Judicial Magistrate 1st Class, Patiala, Punjab.

[No. 225/25/87-AD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 19 मई, 1987

का. आ. 2944.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खंड के प्रयोजनार्थ "अन्ध प्रदेश शूल्ड काम्पस को-ऑपरेटिव फाइनेंस कॉर्पोरेशन लिमिटेड, हैदराबाद" को कर-निर्धारण वर्ष 1985-86 से 1987-88 के लिए अधिसूचित करता है।

[सं. 7285 (का. सं. 197/143/85-आ. क. (नि. 11)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 19th May, 1987

S.O. 2944.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Andhra Pradesh Scheduled Castes Co-operative Finance Corporation Limited, Hyderabad" for the purpose of the said clause for the assessment years 1985-86 to 1987-88.

[No. 7285 (F. No. 197/143/85-IT(A1))]

नई दिल्ली, 26 जून, 1987

प्र. आ. 2945.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "मानसिक रूप से अशक्त (मन्दित) बच्चों के कल्याणार्थ दिल्ली सोसायटी" को कर-निर्धारण वर्ष 1985-86 से 1987-88 के लिए अधिसूचित करती है।

[सं. 7366 (फा. सं. 197/163/85-आ. क. (नि. -1))]

New Delhi, 26th June, 1987

S.O. 2945.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Delhi Society for the Welfare of Mentally Retarded Children" for the purpose of the said clause for the assessment years 1985-86 to 1987-88.

[No. 7366 (F. No. 197/163/85-IT(A1))]

नई दिल्ली, 7 जुलाई, 1987

प्र. आ. 2946.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजन "बिन्तोय लेखक संघ, नई दिल्ली" को कर-निर्धारण वर्ष 1982-83 से 1986-87 के लिए अधिसूचित करती है।

[सं. 7412 (फा. सं. 197/135/82-आ. क. नि.-1)]

New Delhi, the 7th July, 1987

S.O. 2946.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Forum of Financial Writers, New Delhi" for the purpose of the said clause for the assessment years 1982-83 to 1986-87.

[No. 7412 (F. No. 197/135/82-IT(A1))]

नई दिल्ली, 8 जुलाई, 1987

फा. आ. 2947.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "इण्डियन डेरी कॉर्पोरेशन" को कर निर्धारण वर्ष 1985-86 से 1986-87 के लिए अधिसूचित करती है।

[सं. 7413 (फा. सं. 197/137/87-आ. क. (नि. -1))]

New Delhi, the 8th July, 1987

S.O. 2947.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian Dairy Corporation" for the purpose of the said clause for the assessment years 1985-86 and 1986-87.

[No. 7413 (F. No. 197/137/87-IT(A1))]

नई दिल्ली, 14 जुलाई, 1987

फा. आ. 2948.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "इन्दिरा गांधी नेशनल सेंटर फॉर आर्ट्स" को कर-निर्धारण वर्ष 1987-88 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7421 (फा. सं. 197/139/87-आ. क. (नि.-1))]

New Delhi, the 14th July, 1987

S.O. 2948.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indira Gandhi National Centre for Arts" for the purpose of the said clause for the assessment years 1987-88 and 1988-89.

[No. 7421 (F. No. 197/139/87-IT(A1))]

नई दिल्ली, 29 जुलाई, 1987

फा. आ. 2949.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "श्री सद्गुरु सेवा संघ ट्रस्ट, बम्बई" को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7441 (फा. सं. 197/34/85-आ. क. (नि. -1))]

New Delhi, the 29th July, 1987

S.O. 2949.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Sadguru Seva Sangh Trust, Bombay" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7441 (F. No. 197/34/85-IT(A1))]

फा. आ. 2950.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "एक्यूमेनिकल क्रिश्चन सेंटर, बंगलूर" को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7410 (फा. सं. 197/121/84-आ. क. (नि.-1))]

S.O. 2950.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ecumenical Christian Centre, Bangalore" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7440 (F. No. 197/121/84-IT(A1))]

नई दिल्ली, 12 अगस्त, 1987

फा. आ. 2951.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "सिंघा मन्दिर उद्यमपुर" को कर-निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 7471 (फा. सं. 197/191/86-आ. क. (नि. -1))]

New Delhi, the 12th August, 1987

S.O. 2951.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Seva Mandir, Udaipur" for the purpose of the said clause for the assessment year 1988-89.

[No. 7471 (F. No. 197/191/86-IT(A1))]

का. आ. 2952.—आयकर अधिनियम, 1961 (1961 का 43), की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "वि सेलसियन प्रोविन्स आफ कलकत्ता (उत्तरी भारत)" को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7470 (फा. सं. 197/क/103/82-आ. क. (नि.-1))]

S.O. 2952.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Salesian Province of Calcutta (Northern India)" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7470 (F. No. 197A/103/82-IT(A1))]

नई दिल्ली, 7 सितम्बर, 1987

का. आ. 2953.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "आंध्र प्रदेश राज्य बीज प्रमाणन एजेंसी, हैदराबाद" को कर-निर्धारण वर्ष 1984-85 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7507 (फा. सं. 197/92/83-आ. क. (नि.-1))]

New Delhi, the 7th September, 1987

S.O. 2953.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Andhra Pradesh State Seeds Certification Agency, Hyderabad" for the purpose of the said clause for the assessment years 1984-85 to 1988-89.

[No. 7507 (F. No. 197/92/83-IT(A1))]

का. आ. 2954.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खंड के प्रयोजनार्थ, "परिवार नियोजन संस्था" को कर-निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 7508 (फा. सं. 197/218/86-आ. क. (नि.-1))]

S.O. 2954.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Family Planning Foundation" for the purpose of the said clause for the assessment year 1988-89.

[No. 7506 (F. No. 197/218/86-IT(A1))]

का. आ. 2955.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खंड के प्रयोजनार्थ, "बाल बहादुर शास्त्री राष्ट्रीय स्मारक ट्रस्ट", को कर-निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 7505 (फा. सं. 197/127/87-आ. क. (नि.-1))]

S.O. 2955.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Lal Bahadur Shastri National Memorial Trust" for the purpose of the said clause for the assessment year 1988-89.

[No. 7505 (F. No. 197/127/87-IT(A1))]

नई दिल्ली, 9 सितम्बर, 1987

का. आ. 2956.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त धारा के प्रयोजनार्थ, "लेडी टाटा मेमोरियल ट्रस्ट" को कर निर्धारण वर्ष 1985-86 से 1988-89 की अवधि के लिए अधिसूचित करती है।

[सं. 7516 (फा. सं. 197/61/87-आ. क. (नि.-1))]

New Delhi, the 9th September, 1987

S.O. 2956.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Lady Tata Memorial Trust" for the purpose of the said section for the period covered by the assessment years 1985-86 to 1988-89.

[No. 7516 (F. No. 197/61/87-ITA. 1)]

नई दिल्ली 18 सितम्बर, 1987

का. आ. 2957.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "आर्मी वारिज वेलफेयर एसोसिएशन, बम्बई" को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7537 (फा. सं. 197/164/85-आ. क. (नि.-1))]

New Delhi, the 18th September, 1987

S.O. 2957.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Army Wives Welfare Association, Bombay" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7537 (F. No. 197/164/85-IT(A1))]

नई दिल्ली, 18 सितम्बर, 1987

का. आ. 2958.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त धारा के प्रयोजनार्थ, "श्री थोतद्रिनाथर देईवानायाग पेक्कमल टेम्पल, नंगुनेरी" को ऐतिहासिक महत्व के रूप में अधिसूचित करती है।

[सं. 7535 (फा. सं. 176/33/87-आ. क. (नि.-1))]

New Delhi, the 18th September, 1987

S.O. 2958.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Thotadrinather Daivanayaga Perumal Temple, Nanguneri" to be of historic importance for the purpose of the said Section.

[No. 7535 (F. No. 176/33/87-IT(A1))]

नई दिल्ली, 18 सितम्बर, 1987

का. भा. 2959.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "आनंदाश्रम ट्रस्ट कान्हागड" को कर-निर्धारण वर्ष 1987-88 और 1988-89 के लिए अधिसूचित करती है।

[सं. 7539 (फा. सं. 197/147/87 भा. क. नि. 1)]

New Delhi, the 18th September, 1987

S.O. 2959.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Anandashram Trust, Kanhangad" for the purpose of the said clause for the assessment years 1987-88 and 1988-89.

[No. 7539 (F. No. 197/147/87-IT(A1))]

का. भा. 2960.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, 'कानोसा सोसायटी, बम्बई' को कर-निर्धारण वर्ष 1984-85 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7538 (फा. सं. 197/182/83-आ.का.जी.-1)]

S.O. 2960.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Conossa Society, Bombay" for the purpose of the said clause for the assessment years 1983-84 to 1988-89.

[No. 7538 (F. No. 197/182/83-IT(A1))]

नई दिल्ली, 22 सितम्बर, 1987

का. भा. 2961.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ 'जैसुइट्स ऑफ सेंट्रल सोसायटी, साहिबगंज' को कर-निर्धारण वर्ष 1984-85 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7547 (फा. सं. 197/93/83 भा. क. (नि.-1))]

New Delhi, the 22nd September, 1987

S.O. 2961.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jesuits of Santal Society, Sahibganj" for the purpose of the said clause for the assessment years 1983-84 to 1988-89.

[No. 7547 (F. No. 197/93/83-IT(A1))]

का. भा. 2962.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "श्री रामाकृष्णन् तपोवनम् तिरुचिरापल्ली" को कर-निर्धारण वर्ष 1987-88 और 1988-89 के लिए अधिसूचित करती है।

[सं. 7546 (फा. सं. 197/139/86 भा. क. (नि.-1))]

S.O. 2962.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby

notifies "Sri Ramakrishna Tapovanam, Tiruchirapalli" for the purpose of the said clause for the assessment years 1987-88 and 1988-89.

[No. 7546 (F. No. 197/139/86-IT(A1))]

का. भा. 2963.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "ग्रेटर कलकत्ता लेप्रोसी ट्रीटमेंट एण्ड हेल्थ एजुकेशन स्कीम" (श्री. आर. ई. सी. एल. टी. ई. एस.) को कर-निर्धारण वर्ष 1985-86-1988-89 के लिए अधिसूचित करती है।

[सं. 7544 (फा. सं. 197-अ/280/82-आ. क. (नि.-1))]

S.O. 2963.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Greater Calcutta Leprosy Treatment & Health Education Scheme (GRECALTES)" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7544 (F. No. 197A/280/82-IT(A1))]

का. भा. 2964.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "किंग जार्ज V मेमोरियल, बम्बई" को कर-निर्धारण वर्ष 1986-87 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7543 (फा. सं. 197/214/86-आ. क. (नि.-1))]

S.O. 2964.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "King George V Memorial, Bombay" for the purpose of the said clause for the assessment years 1986-87 to 1988-89.

[No. 7543 (F. No. 197/214/86-IT(A1))]

का. भा. 2965.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "रोयल कॉमनवेल्थ सोसायटी फॉर द ब्लाइंड, बम्बई" को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7542 (फा. सं. 197/72/87-आ. क. (नि.-1))]

रोशन सहाय, अवर सचिव

S.O. 2965.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Royal Commonwealth Society for the Blind, Bombay" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7542 (F. No. 197/72/87-IT(A1))]

ROSHAN SAHAY, Under Secy.

नई दिल्ली, 19 मई, 1987

का. भा. 2966.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "इण्डियन मेट्रोसॉजिकल सोसायटी, नई दिल्ली," को कर-निर्धारण वर्ष 1985-86 से 1987-88 के लिए अधिसूचित करती है।

[सं. 7288 (फा. सं. 197/51/85-आ. क. (नि.-1))]

New Delhi, the 19th May, 1987

S.O. 2966.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian Meteorological Society, New Delhi" for the purpose of the said clause for the assessment years 1985-86 to 1987-88.

[No. 7288/F. No. 197/51/85-IT(A1)]

का. सं. 2967.—आयकर अधिनियम, 1961 (1961 का 43), की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "संजीवनी ट्रस्ट, बम्बई" को कर निर्धारण वर्ष 1986-87 से 1987-88 के लिए अधिसूचित करती है।

[सं. 7289/का. सं. 197/67/86-आ. क. (नि.-1)]

S.O. 2967.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sanjivani Trust, Bombay" for the purpose of the said clause for the assessment years 1986-87 and 1987-88.

[No. 7289/F. No. 197/67/86-IT(A1)]

नई दिल्ली, 26 जून, 1987

का. सं. 2968.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "रेलवे वूमैन सेन्ट्रल ऑर्गेनाइजेशन" को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7367/का. सं. 197/114/85-आ. क. (नि. 1)]

New Delhi, the 26th June, 1987

S.O. 2968.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Railway Women's Central Organisation" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7367/F. No. 197/114/85-IT(A1)]

नई दिल्ली, 17 अगस्त, 1987

का. सं. 2969.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "कंजुभर एजुकेशन एण्ड रिसर्च सेंटर, अहमदाबाद" को कर निर्धारण वर्ष 1986-87 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7479/का. सं. 197/22/86-आ. क. (नि.-1)]

New Delhi, the 17th August, 1987

S.O. 2969.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Consumer Education and Research Centre, Ahmedabad" for the purpose of the said clause for the assessment years 1986-87 to 1988-89.

[No. 7479/F. No. 197/22/86-IT(A1)]

का. सं. 2970.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "गुजरात इकोलाजिकल एजुकेशन एण्ड रिसर्च फाउण्डेशन, गांधीनगर" को कर निर्धारण वर्ष 1987-88 और 1988-89 के लिए अधिसूचित करती है।

[सं. 7480/का. सं. 197/22/87-आ. क. (नि.-1)]

S.O. 2970.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gujarat Ecological Education & Research Foundation, Gandhinagar" for the purpose of the said clause for the assessment years 1987-88 and 1988-89.

[No. 7480/F. No. 197/22/87-IT(A1)]

नई दिल्ली, 21 अगस्त, 1987

का. सं. 2971.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "गुजरात राज्य राहत समिति" को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7485/का. सं. 197/117/82-आ. क. (नि.-1)]

New Delhi, the 21st August, 1987

S.O. 2971.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gujarat Rajya Rahat Samiti" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7485/F. No. 197A/147/82-IT(A1)]

नई दिल्ली, 11 सितम्बर, 1987

का. सं. 2972.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "अखिल भारत ऋषि गोसेवा संघ, वर्धा" को कर निर्धारण वर्ष 1985-86 से 1988-89 तक के लिए अधिसूचित करती है।

[सं. 7519/का. सं. 197/99/82-आ. क. (नि.-1)]

दलीप सिंह, विशेष कार्य अधिकारी

New Delhi, the 11th September, 1987

S.O. 2972.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Akhil Bharat Krishi Goseva Sangh, Wardha" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7519/F. No. 197A/99/82-IT(A1)]

DALIP SINGH, Officer on Spl. Duty

नई दिल्ली, 17 जून 1987

आयकर

का. सं. 2973.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 138 की उपधारा (1) के खण्ड (क) के उपखण्ड (II) के अन्तर्गत में केन्द्रीय सरकार एतद्वारा उक्त उपखण्ड के प्रयोजनार्थ "द सुपरिस्टेन्डेंट अफ पुलिस बिजनेस रजिस्ट्रार स्क्वाड II पंजाब पटियाला प्रमदा इस संबंध में उनके द्वारा विशेष रूप से प्राधिकृत कोई भी अधिकारी को त्रिनिटि करती है।

[सं. 7348/का. सं. 225/115/86 आ. क. (नि.-2)]

New Delhi, the 17th June, 1987

INCOME-TAX

S.O. 2973.—In pursuance of sub-clause (ii) of clause (a) of sub-section (1) of Section 138 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies The Superintendent of Police, Vigilance, Flying Squad-II, Punjab, Patiala, or any other Officer specifically authorised by the in this behalf for the purpose of the said sub-clause

[No. 7348/F. No. 225/115/86-IT(A2)]

नई दिल्ली, 24 अगस्त, 1987

क्र. आ. 2974 :—इस कार्यालय की दिनांक 9-10-87 की अधिसूचना सं. 6961 (फ. सं. 203/203/86 आ. क. नि. II) के सिलसिले में सर्वसाधारण को जानकारी के लिए एमद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) पैतिस/एक/दो के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है

(i) यह कि मैडिकल रिसर्च सेंटर आफ बम्बई हॉस्पिटल ट्रस्ट, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व-विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्राथमत्व रह कर दिया जाएगा।

संस्था

"मैडिकल रिसर्च सेंटर आफ बम्बई हॉस्पिटल ट्रस्ट, 12 न्यू मेरिन लाइन्स, बम्बई 400 020"

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7487/फ. सं. 203/77/87 आ. क. नि. 2)]

New Delhi, the 24th August, 1987

S.O. 2974.—In continuation of this Office Notification No. 6961 (F. No. 203/203/86-ITA-II) dated 9-10-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purpose of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962

under the Category "Institution" subject to the following conditions:—

(i) That the Medical Research Centre of Bombay Hospital Trust, Bombay will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Medical Research Centre of Bombay Hospital Trust, 12, New Marine Lines, Bombay-400020.

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7487/F. No. 203/77/87-IT(A-II)]

नई दिल्ली, 25 अगस्त, 1987

क्र. पा. 2975 :— इस कार्यालय की दिनांक 28-11-85 की अधिसूचना सं. 6511 (फ. सं. 203/164/85 आ. क. नि. II) के सिलसिले में सर्वसाधारण को जानकारी के लिए एमद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान-विभाग नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (ii) (पैतिस/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है—

(i) यह कि श्री अरविन्द मोगायटी पांडिचेरी अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्राथमत्व रह कर दिया जाएगा।

संस्था

"श्री अरविन्द सोसायटी, सोसायटी हाऊस, पोंडिचेरी-605002"

यह अधिसूचना 1-1-1986 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7488/फा सं. 203/34/86 आ. क. नि.-2]

New Delhi, the 25th August, 1987

S.O. 2975.—In continuation of this Office Notification No. 6511 (F. No. 203/164/85-ITA.II) dated 28-11-1985, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

- (i) That the Sri Aurobindo Society, Pondicherry will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Sri Aurobindo Society, Society House, Pondicherry-605002.

This notification is effective for a period from 1-1-1986 to 31-3-1988.

[No. 7488/F. No. 203/34/84-IT(A-II)]

का.सं. 2976 :— इस कार्यालय की दिनांक 25-5-85 की अधिसूचना सं. 6234 (फा. सं. 203/13/85 आ. क. नि. II) के विनियमों में सर्वसाधारण की जानकारी के लिए एन.डार. अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (iii) (पैतिस/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि भारतीय अंतराध विज्ञान समिति, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक वित्तीय विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रकृत में प्रस्तुत करेगा, जो इन प्रयोजनों के लिए अधिसूचित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त "संस्था" अपनी कुल आय तथा व्यय वगैरह अपने संपरीक्षित वार्षिक लेखों की सहायता अपनी परिसंपत्तियां, देनदारियां वगैरह द्वारा तुल्य-व्यय की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा, तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समिति से तीन मास पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

"भारतीय अंतराध विज्ञान समिति, मनोविज्ञान विभाग मद्रास विश्वविद्यालय, मद्रास - 600 005"

यह अधिसूचना 1-4-1987 से 31-3-1990 तक की अवधि के लिए प्रभावी है।

[सं. 7489/फा. सं. 203/92/87 आ. क. नि. (2)]

S.O. 2976.—In continuation of this Office Notification No. 6234 (F. No. 203/13/85-ITA.II) dated 25-5-1985, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions:—

- (i) That the The Indian Society of Criminology, Madras will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

The Indian Society of Criminology, Department of Psychology, University of Madras, Madras-600005

This Notification is effective for a period from 1-4-1987 to 31-3-1990.

[No. 7489/F. No. 203/92/87-IT(A-II)]

का.सं. 2977 :— इस कार्यालय की दिनांक 23-7-85 की अधिसूचना सं. 6337 (फा. सं. 203/79/85 आ. क. नि. II) के विनियमों में सर्वसाधारण की जानकारी के लिए एन.डार. अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6

के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (iii) (पैटीम/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि दि मर्या सोसायटी, पाण्डिचेरी अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया कलाओं की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो हम प्रयोजन के लिए अधिकांशतः किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दर्शाने हुए अपने संगरीक्षित वार्षिक लेखों की तथा अपनी परि-संपत्तियां, देनदारियां दर्शाने हुए तुलन-पत्र की एक-एक प्रति-प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा। तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व-विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"दि मदर्स सर्विस सोसायटी, प्लॉट नं. 4 वैकटनगर एक्सटेंशन, पाण्डिचेरी"

यह अधिसूचना 1-4-1987 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 7490/फ. सं. 203/98/87 आ. क. (नि.-2)]

S.O. 2977.—In continuation of this Office Notification No. 6337 (F. No. 203/79/85-ITA II) dated 23-7-85. It is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions:—

- (i) That the The Mother's Service Society, Pondicherry will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry if approval are liable to be rejected.

INSTITUTION

The Mother's Service Society, Plot No. 4, Venkata Nagar Extension, Pondicherry-605011.

This Notification is effective for a period from 1-4-1987 to 31-3-1989.

[No. 7490/F. No. 203/98/87-IT(A-II)]

नई दिल्ली, 1 सितम्बर, 1987

का. अ. 2978.—इस कार्यालय की दिनांक 20-3-87 की अधिसूचना सं. 6624 फा. सं. 203/247/85-आ. क. (नि.-ii) के सिलसिले में, सर्व-माध्याम की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (iii) (पैटीम/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि स्पैस्टिक्स सोसाइटी ऑफ इंडिया, कलकत्ता अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई, तक ऐसे प्ररूप में प्रस्तुत करेगा जो हम प्रयोजन के लिए अधिकांशतः किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दर्शाने हुए अपने संगरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाने हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"स्टैस्टिक्स सोसाइटी ऑफ इंडिया, ब्रैलबेडर कोर्ट, 11 एवं 13, अलीपुर रोड, कलकत्ता-700027,"

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7500/फा. सं. 208/73/87-आ. क. (नि.-2)]

New Delhi, the 1st September, 1987

S.O. 2978.—In continuation of this Office Notification No. 6624 (F. No. 203/247/85-ITA II) dated 20-3-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

- (i) That the Spastics Society of India, Calcutta will maintain a separate account of the sums received by it for scientific research.

- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Spastics Society of Eastern India, 15, Belvedere Court, 11 and 13, Alipore Road, Calcutta-700027.

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7500 (F. No. 203/73/87-ITA-II)]

नई दिल्ली, 8 मितम्बर, 1987

का.आ. 2979.—इस कार्यालय की दिनांक 19-3-1987 की अधिसूचना सं. 7194 (फा. सं. 203/28/86-आ.क.नि.-II) के मिलाने में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के तहत पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि संघाता मेडिकल रिसर्च सोसाइटी, महाराष्ट्र अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संगम" अपनी कुल आय तथा व्यय दर्शाने हुए अपने संपरीक्षित वार्षिक लेखों का तथा अपनी परिमपत्तियों, देनदारियां दर्शाने हुए मुनन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की मर्यादा में तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रायंतः पत्र रद्द कर दिया जाएगा।

संस्था

"संघाता मेडिकल रिसर्च सोसाइटी, मार्फत स्वास्थी योगा प्रतिष्ठान सोसाइटी, ओर्थोपेडिक हॉस्पिटल, मिराज-416410 (महाराष्ट्र)

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7512 (फा. सं. 203/117/87-आ.क.नि.-II)]

87/1383 GI—2.

New Delhi, the 8th September, 1987

S.O. 2979.—In continuation of this Office Notification No. 7194 (F. No. 203/28/86-ITA. II) dated 19-3-1987, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:—

- (i) That the Sandhala Medical Research Society, Maharashtra will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Sandhala Medical Research Society, C/o Swasthi Yoga Pratisthan Society, Orthopedic Hospital, Miraj-416410 (Maharashtra).

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7512 (F. No. 203/117/87-ITA-II)]

का.आ. 2980.—इस कार्यालय की दिनांक 20-2-86 की अधिसूचना सं. 6595 (फा. सं. 203/50/86-आ.क.नि.-II) के मिलाने में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित को आयकर नियम, 1962 के नियम 6 के तहत पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि विज्ञान परिषद्, इलाहाबाद अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दर्शाने हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिमपत्तियों, देनदारियां दर्शाने हुए मुनन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रायः-पत्र रद्द कर दिया जाएगा।

संस्था

“विज्ञान परिषद, महर्षि दयानंद मार्ग, इलाहाबाद-211002”

यह अधिसूचना 1-4-1987 से 31-3-1990 तक की अवधि के लिए प्रभावी है।

[सं. 7510(फा.सं. 203/87/87-आ.क.नि.-II)]

S.O. 2980.—In continuation of this Office Notification No. 6595 (F. No. 203/50/86-ITA. II) dated 20-2-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category “Institution” subject to the following conditions:—

- (i) That the Vijnana Parishad, Allahabad will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Vijnana Parishad Maharshi Dayanand Marg, Allahabad-211002.

This Notification is effective for a period from 1-4-1987 to 31-3-1990.

[No. 7510 (F. No. 203/87/87-ITA-II)]

फा.सं. 2981.—इस कार्यालय की दिनांक 4-8-1986 की अधिसूचना सं. 6838 (फा. सं. 203/246/85-आ.क.नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैंतीस/एक/दो) के प्रयोजनों के लिए “संस्था” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि गुहा इंस्टीच्यूट ऑफ बायोकेमिस्ट्री, कलकत्ता अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी विज्ञापनों की वार्षिक विवरणी, विहित प्राधिकारी को प्रायः वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कठिन निया जाएगा और उसे सूचित किया जाए।

- (ii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय वार्षिक रूप से अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियों, 30 जून तक विहित प्राधिकारी को प्रस्तुत करे तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रायः-पत्र रद्द कर दिया जाएगा।

संस्था

“गुहा इंस्टीच्यूट ऑफ बायोकेमिस्ट्री, 55/5 पुरान दास रोड, बेले गंज, कलकत्ता-700029”

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7511(फा.सं. 203/126/87-आ.क.नि.-II)]

S.O. 2981.—In continuation of this Office Notification No. 6838 (F. No. 203/246/85-ITA. II) dated 4-8-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category “Institution” subject to the following conditions:—

- (i) That the Guha Institute of Biochemistry, Calcutta will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Guha Institute of Biochemistry, 55/5, Puran Das Road, Ballygunge, Calcutta-700029.

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7511 (F. No. 203/126/87-ITA-II)]

नई दिल्ली 14 सितम्बर, 1987

का.सं. 2982.—इस कार्यालय की दिनांक 13-4-1987 की अधिसूचना सं. 7245 (फा. सं. 203/211/86-आ.क.नि.-II) के सित्तिले में सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैरोस/एक/दो) के प्रयोजनों के लिए "नंगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि द ट्यूबरकुलोसिस एसोसिएशन ऑफ इण्डिया, नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृतित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त संगम अपनी कुल आय तथा व्यय दशति हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दशति हुए तुलन पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय, (राजस्व-विभाग), नई दिल्ली को अनुमोदित की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

"द ट्यूबरकुलोसिस एसोसिएशन ऑफ इण्डिया, 3, रेड क्रॉस रोड, नई दिल्ली-110001,"

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 5726 (फा. सं. 203/118/87-आ.क.नि.-II)]

New Delhi, the 14th September, 1987

S.O. 2982.—In continuation of this Office Notification No. 7245 (F. No. 203/211/86-ITA-II) dated 13-4-1987, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions :—

- (i) That the The Tuberculosis Association of India, New Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities in the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income

and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.

- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

The Tuberculosis Association of India, 3, Red Cross Road, New Delhi-110001.

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 5726 (F. No. 203/118/87-ITA-I)]

का.सं. 2983. इस कार्यालय की दिनांक 3-9-1985 की अधिसूचना सं. 6403 (फा. सं. 203/135/85-आ.क.नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (iii) (पैरोस/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :

- (i) यह कि मैने-मेड टेक्स्टाईल रिसर्च फाउण्डेशन, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक अधिकृतित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दशति हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां, दशति हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयुक्त को भेजेगा।
- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व-विभाग), नई दिल्ली को अनुमोदित की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"मैने-मेड टेक्स्टाईल रिसर्च फाउण्डेशन रैमन भवन, 78-वीर नरिनेन रोड, बम्बई-400020"

यह अधिसूचना 1-1-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7525 (फा. सं. 203/99/87-आ.क.नि. II)]

S.O. 2983.—In continuation of this Office Notification No. 6403 (F. No. 203/135/85-ITA-II) dated 3-9-1985, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act,

1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

- (i) That the Man-made Textile Research Foundation, Bombay, will maintain a separate account of the sums received by it for Scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual Accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Man-made Textile Research Foundation, Resham Bhavan, 78, Veer Nariman Road, Bombay-400020.

This Notification is effective for a period from 1-1-1987 to 31-3-1988.

[No. 7525(F. No. 203/99/87-ITA-II)]

का. आ. 2984.—इस कार्यालय की दिनांक 17-6-1986 की अधिसूचना सं. 6759 (फा. सं. 203/19/86-आ.क.नि.-II) के मिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैसा/एक/से) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि डायबिटीज रिसर्च सेंटर फाउण्डेशन, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकांकित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संगम" अपनी कुल आय तथा व्यय दशति हूए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियों, देनदारियां दशति हूए तुलन-पत्र की एक एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"डायबिटीज रिसर्च सेंटर फाउण्डेशन, 4 मेनरोड, रायपुरम, मद्रास 600013"

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अधि के लिए प्रभावी है।

[सं. 7524(फा.सं. 203/7/87-आ.क.नि.-II)]

S.O. 2984.—In continuation of this Office Notification No. 6759 (F. No. 203/19/86-ITA-II dated 17-6-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:—

- (i) That the Diabetes Research Centre Foundation, Madras, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Diabetes Research Centre Foundation 4, Main Road, Royapuram, Madras-600013.

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7524(F. No. 203/7/87-ITA-II)]

का.आ. 2985.—इस कार्यालय की दिनांक 14-8-1984 की अधिसूचना सं. 5940 (फा. सं. 203/85/84-आ.क.नि.-II) के मिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) (पैसा/एक/से) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि इण्डियन कॉपर डिवलपमेंट सेंटर, कलकत्ता अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकांकित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिगणितियां, देनदारियों दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"इन्डियन कॉपर डेवलपमेंट सेंटर, 27-बी, कार्माक स्ट्रीट, कलकत्ता-700016,"

यह अधिसूचना 1-4-1987 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 7523/फा.सं. 203/46/87-आ.क.नि.-II]

S.O. 2985.—In continuation of this Office Notification No. 5940 (F. No. 203/85/84-ITA. II dated 14-8-1984, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35, (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That the Indian Copper Development Centre, Calcutta, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Indian Copper Development Centre, 27-B. Carmac Street Calcutta-700016.

This notification is effective for a period from 1-4-1987 to 31-3-1989.

[No. 7523/F. No. 203/46/87-ITA-II]

फा.आ. 2986:—इस कार्यालय की दिनांक 26-8-1986 की अधिसूचना सं. 6892 (फा.सं. 203/17/86-आ.क.नि.-II) के मिलाने में, नईनाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर विभाग नियम 1962 के नियम 6 के माध्यम से आयकर अधिनियम, 1961 की धारा

35 की उपधारा (1) के खंड (iii) (पैंतीस/एक/दो) के प्रयोजनों के लिए "संगम" प्रकाश के अधीन निम्नलिखित शर्तों पर अनुमोदन किया है:—

- (1) यह कि लायंस कैंसर सेंटर, सुरत अपने वैज्ञानिक अनुसंधान के निरन्तर द्वारा प्राप्त राशि की एक लेखा रखेगा।
- (2) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणों, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (3) यह कि उक्त "संगम" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों का तथा अपनी परिगणितियां, देनदारियों दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (4) यह कि उक्त संगम केन्द्रीय कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

"लायंस कैंसर रिसर्च सेंटर, सरकारी मेडिकल कॉलेज, कैम्पस मजुरा रोड, गेट, सुरत, गुजरात-395001"

यह अधिसूचना 1-4-1987 से 31-3-1990 तक की अवधि के लिए प्रभावी है।

[सं. 7527/फा.सं. 203/6/87-आ.क.नि.-II]

S.O. 2986.—In continuation of this Office Notification No. 6892 (F. No. 203/17/86-ITA-II dated 26-8-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:—

- (i) That the Lions Cancer Research Centre, Surat, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Lions Cancer Research Centre, Government Medical College Campus, Majura Gate, Surat, Gujarat-395001.

The Notification is effective for a period from 1-4-1987 to 31-3-1990.

[No. 7527/F. No. 203/6/87-ITA-II]

नई दिल्ली, 15 सितम्बर, 1987

का.आ. 2987:—इस कार्यालय की दिनांक 9-10-86 की अधिसूचना सं. 6960 (फा.सं./203/155/86-आ.क.नि.-II) के अंतर्गत् में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के माध्यम से पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैलीस) (एक) (दो) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (1) यह कि द स्पास्टिक्स सोसाइटी आफ इंडिया, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (2) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रिया-कलापों की वार्षिक विवरणों, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (3) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय वर्णित हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परसंपत्तियां देनदारियां वर्णित हुए तुल्य-मूल की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा। तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (4) यह कि उक्त "संस्थान" केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अर्वाधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

"द स्पास्टिक्स सोसाइटी आफ इंडिया, अफगान चर्च के सामने, अपर कोलाबा रोड, बम्बई-400 005"

यह अधिसूचना 1-7-87 से 31-3-1990 तक की अवधि के लिए प्रभावी है।

[सं. 7529 (फा.सं. 203/145/87-आ.क. (नि.-II)]

वाई.के. बत्रा, अवर सचिव

New Delhi, the 15th September, 1987

S.O. 2987.—In continuation of this Office Notification No. 6960 (F. No. 203/155/86-AIR. II) dated 9-10-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

- (i) That the The Spastics Society of India, Bombay, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

The Spastics Society of India, Opposite Afghan Church, Upper Colaba Road, Bombay-400005.

This Notification is effective for a period from 1-7-1987 to 31-3-1990.

[No. 7529/F. No. 203/153/87-IT(A-II)]

Y. K. BATRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 6 अक्टूबर, 1987

का.आ. 2988:—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री खगेश्वर पुहान को, जिनकी धारा 11 की उपधारा (1) के तहत धनकनाल ग्राम्य बैंक, धनकनाल के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 30-9-87 को समाप्त हो गई है, 1-10-87 से प्रारम्भ होकर 31-12-87 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[सं. एफ. 2-30/87-आर.आर.बी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 6th October, 1987

S.O. 2988.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri Khageswar Puhana whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 30-9-87 as the Chairman of Dhenkanal Gramya Bank, Dhenkanal for a further period commencing from 1-10-87 and ending with 31-12-87.

[No. F. 2-30/87-RRB]

का.आ. 2989:—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री बी.एम. पटनायक को, जिनकी धारा 11 की उपधारा (1) के तहत पुरी ग्राम्य बैंक, पौपली, उड़ीसा के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 30-9-87 को समाप्त हो गई है, 1-10-87 से प्रारम्भ होकर 31-12-87 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ. 2-29/87-आर.आर.बी.]

ज.बा. मीरचन्दानी, निदेशक

S.O. 2989.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri B. M. Patnaik whose earlier tenure of three years

appointment under sub-section (1) of section 11 had expired on 30-4-87 as the Chairman of Puri Gramya Bank, Pipli, Orissa, for a further period commencing from 1-5-87 and ending with 31-12-87.

[No. F. 2-29/87-RRB]

C. W. MIRCHANDANI, Director

नई दिल्ली, 12 अक्टूबर, 1987

का.आ. 2990:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना 1980 की धारा 3 की उपधारा (ख) के अनुसरण में केन्द्रीय सरकार श्री एस.ए. हुसैन, प्रबंधक भारतीय रिजर्व बैंक, हैदराबाद को श्री के.एन. भारगव के स्थान पर एतद्वारा आंध्रा बैंक के निदेशक के रूप में नियुक्त करती है।

[सं. एक 9/4/87-बी.ओ. I]

New Delhi, the 12th October, 1987

S.O. 2990.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri S. A. Hussain, Manager, Reserve Bank of India, Hyderabad as a Director of Andhra Bank vice Shri K. N. Bhargava.

[No. F. 9/4/87-BO-I]

नई दिल्ली, 19 अक्टूबर, 1987

का.आ. 2991:—भारतीय स्टेट बैंक (घनूषणी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय स्टेट बैंक के परामर्श से एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की निदेशक श्रीमती ताजवर रहमान साहनी को श्री प्रदीप कुमार के स्थान पर स्टेट बैंक आफ पटियाला के निदेशक के रूप में में नामित करती है।

[संख्या एक 9/2/87-बी.ओ. I]

(Banking Division)

New Delhi, the 19th October, 1987

S.O. 2991.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government in consultation with the State Bank of India, hereby nominates Mrs. Tajwar Rahman Sahni, Director, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi to be a Director of the State Bank of Patiala vice Shri Pradeep Kumar.

[No. F. 9/2/87-BO. I]

का.आ. 2992:—भारतीय औद्योगिक विकास बैंकिंग अधिनियम 1964 (1964 का 18) की धारा 6 की उपधारा (4) के माथ पठित उपधारा (1) के खंड (ग) के उपखंड (iv) के अनुसरण में केन्द्रीय सरकार एतद्वारा प्रबंध निदेशक, उत्तर प्रदेश राज्य वित्तीय निगम, कानपुर की कार्यवाही तीन वर्ष की अवधि के लिए भारतीय औद्योगिक विकास बैंक का निदेशक नामित करती है।

[संख्या एक 7/1/87 बी.ओ. I]

एम.एस. सीथारामन अव्वर सचिव

S.O. 2992.—In pursuance of sub-clause (iv) of clause (c) of sub-section (1) read with sub-section (4) of clause 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Managing Director, Uttar Pradesh State Financial Corporation, Kanpur as Director of the Industrial Development Bank of India with immediate effect for a period of three years.

[No. F. 7/1/87-BO.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली 14 अक्टूबर, 1987

का.आ. 2993:—केन्द्रीय सरकार, औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 21 उपधारा (2) के अनुसरण में भारतीय औद्योगिक वित्त निगम के निदेशक बोर्ड की सिफारिश पर उक्त नियम द्वारा 24 नवम्बर, 1987 को जारी किए जाने वाले और 24 नवम्बर, 2002 को परिपक्व होने वाले बॉण्डों पर वेब व्याज की दर एतद्वारा 11 प्रतिशत (ग्यारह प्रतिशत) वार्षिक निर्धारित करना है।

[फा.स. 6(5)/67-आई एक.-1]

पी.के. मल्होत्रा, अव्वर सचिव

New Delhi the 14th October, 1987

S.O. 2993.—In pursuance of sub-section 2 of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 11 per cent (eleven per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation on 24th November, 1987 and maturing on 24th November, 2002.

[F. No. 6(5)87-IF-I]

P. K. MALHOTRA, Under Secy.

(आयकर विभाग)

कोचीन, 16 मिनम्बर, 1987

का.आ. 2994:—आयकर अधिनियम, 1961 की धारा 287 के अधीन राजस्व विभाग (केन्द्रीय प्रत्यक्ष कर बोर्ड) द्वारा सूचित किये गये भारत सरकार के निर्देश के अनुसरण में कोचीन आयकर आयुक्त एतद्वारा वित्तीय वर्ष 1986-87 के संबंध में निम्नलिखित सूचनाएं प्रकाशित करने हैं।

अनुसूची—I—इसमें जिन व्यक्तियों या हिन्दू अधिवक्ता कुटुंबों पर 2 लाख रुपये से अधिक आय पर कर निर्धारित किया गया है, उनके नाम, पते और अन्य विवरण विनिर्दिष्ट किए गए हैं।

अनुसूची II—इसमें जिन कंपनियों, फर्मों तथा व्यक्तियों के संगम पर 10 लाख रुपये से अधिक आय पर कर निर्धारण किया गया है, उनके नाम, पते और अन्य विवरण विनिर्दिष्ट किए गए हैं।

अनुसूची III—आय की विवरणी डीक समय के भीतर प्रस्तुत करने में असफल हो गए हैं या लेखा बरिफा पेश करने में श्रमथर्ष हुए हैं या आय छिपाने के कारण वित्तीय वर्ष 1986-87 में रु. 5,000/- या उससे अधिक जिन पर शास्ति लगाई गई है या गत वर्ष को शास्तिियों के विरुद्ध दिए गए अपील या पुनरीक्षण के फॉर्मों में 1986-87 वित्तीय वर्ष में, जिन पर रु. 5,000 या उससे अधिक शास्ति निश्चित की गई है, उन व्यक्तियों के नाम, पते व अन्य विवरण इसमें विनिर्दिष्ट किए गए हैं।

अनुसूची III—इसमें उन व्यक्तियों के नाम, पते और अन्य विवरण विनिर्दिष्ट किए गए हैं जो एक लाख रुपया या उससे अधिक राशि का

कर धरा करने में प्रसमर्थ हो गए हैं और यह समय वितीय वर्ष 1986-87 के अंतिम दिन तक वो वर्ष या उससे अधिक हो गया है।

2. अनुसूची 1 ए और अनुसूची 1 बी में दिए गए विवरण इस प्रकार हैं—

(1) हैसियत, (2) निर्धारण वर्ष, (3) विवरणी में दिखाई गई आय, (4) निर्धारित आय, (5) देय आयकर, और (6) प्रदत्त आयकर।

अनुसूची II में दिए गए विवरण इस प्रकार हैं—(1) हैसियत, (2) निर्धारण वर्ष, (3) शास्ति की राशि, (4) शास्ति की किस्म।

अनुसूची III में दिए गए विवरण इस प्रकार हैं—(1) ब्याज सहित कर, (2) राशि और (3) जोड़ (सभी एक रूप में हों)।

3. हैसियत की सूचनाएं इस प्रकार हैं—“ए” व्यक्तियों के लिए; “एच यू एफ” हिन्दू अविभक्त कुटुम्बों के लिए; “क” कंपनियों के लिए; “एफ” फर्मों के लिए; “ए ओ पी” व्यक्तियों के संगम के लिए और “आर”—प्रतिनिधि निर्धारितों के लिए।

अनुसूची—I ए

1. श्री अश्वुल हजीब, राजा सजिव, बाबकटाट (i) ए (ii) 1985-86, (iii) 6,36,960 (iv) 6,80,530, (v) 3,88,433, (vi) 3,76,545.

2. श्री के के अश्वुल करीम, बेरला कटपूरम, कासरगोड (i) ए (ii) 1983-84 (iii) शून्य, (iv) 2,00,000, (v) 1,09,808, (vi) 1,59,623.

3. श्री पी के अश्वुल, तलशोरी (i) ए (ii) 1986-87, (iii) 5,68,330, (iv) 5,14,080, (v) 2,87,780, (vi) 2,64,915

4. श्री अहमद उममान, अबाद फिशरीज, कोच्चिन 2(i) ए (ii) 1984-85, (iii) 2,67,810, (iv) 2,67,780, (v) 1,57,829 (vi) 1,57,829.

5. श्रीमती आनी पोत, बडघिट्टि (i) ए (ii) 1986-87 (iii) 4,31,550 (iv) 4,35,050 (v) 1,95,900 (vi) 1,95,900.

6. श्री अनवर हाशीम, अबाद फिशरीज, कोच्चिन-2 (i) ए (ii) 1984-85, (iii) 2,57,570, (iv) 2,57,830, (v) 1,51,113, (vi) 1,51,113.

7. श्रीफ हाशीम, अबाद फिशरीज, कोच्चिन-2 (i) ए (ii) 1984-85, (iii) 1,50,540, (iv) 2,57,230, (v) 1,61,958, (vi) 1,61,958.

8. श्री असीफ अहमद, अबाद फिशरीज, कोच्चिन-2 (i) ए (ii) 1984-85 (iii) 2,48,910, (iv) 3,57,860, (v) 2,18,633 (vi) 2,18,633.

9. श्री ए डी अस्सू तलशोरी (i) ए (ii) 1986-87, (iii) 2,65,930, (iv) 2,73,560, (v) 1,16,030, (vi) 1,12,215.

10. श्री सी पी बेबी, जेट्टुश्री अश्वरी, तृशूर (i) ए (ii) 1986-87, (iii) 2,08,180, (iv) 2,19,630, (v) 89,065, (vi) 82,972

11. श्री पी के बालकृष्ण, तलशोरी, (i) ए (ii) 1986-87, (iii) 1,93,950, (iv) 1,96,720, (v) 2,28,860, (vi) 2,27,456

12. श्रीमती कानरेन पन्, चारकोना अवन, मिशन बर्सेस, तृशूर (i) ए (ii) 1983-84, (iii) 3,66,200, (iv) 3,71,120, (v) 2,22,747, (vi) 2,22,095

13. श्रीमती कानरेन पन्—वही—(i) ए (ii) 1984-85 (iii) 3,70,020, (iv) 3,72,580, (v) 2,28,569, (vi) 2,27,227

14. श्री एम चारको पिन्ने (i) ए (ii) 1985-86 (iii) 1,53,213, (iv) 2,18,480, (v) 1,20,285, (vi) 1,63,392

15. श्री के टी चेस्कुटी, कुन्नन टेसटैल्स, प्रसयंतोल, तृशूर (i) ए (ii) 1985-86 (iii) 2,56,400, (iv) 2,57,690, (v) 1,37,227, (vi) 1,36,129

16. श्री के टी चेस्कुटी, वही—(i) ए (ii) 1986-87 (iii) 4,09,540 (iv) 4,09,540 (v) 1,94,020 (vi) 1,93,050

17. श्री दिवीय कुमार के मेहता सी० के० ए० मेहता कंपनी कोच्चिन-2 : (i) ए (ii) 1984-85 (iii) 2,25,810 (iv) 2,33,320 (v) 1,34,569 (vi) 1,34,569

18. श्री ओ० दिनेशन, कन्नूर (i) ए (ii) 1985-86 (iii) 2,78,920 (iv) 2,78,920 (v) 1,18,710 (vi) 1,18,710

19. श्री वे. दिनेशन, आचकोट (i) ए (ii) 1986-87 (iii) 2,09,690 (iv) 2,09,690 (v) 84,095 (vi) 84,095

20. श्री के० ए० एनीयाकुटी, रायम लिमिटेड, तृशूर (i) ए (ii) 85-86 (iii) 4,28,770 (iv) 4,41,870 (v) 2,51,189 (vi) 2,51,189

21. श्री के० जे० फान्मि, प्रतिनिधि द्वारा के० एफ जेम फाशन फाब्रिक तृशूर (i) ए (ii) 1984-85 (iii) 4,35,310 (iv) 4,56,620 (v) 2,85,296 (vi) 2,70,906.

22. श्री के० टी० फान्मि, वेप्पर मार्ट, तृशूर (i) ए (ii) 1984-85 (iii) 2,42,900 (iv) 2,59,110 (v) 1,51,977 (vi) 1,41,036

23. —वही— (i) ए (ii) 1985-86 (iii) 2,88,080 (iv) 2,89,540 (v) 1,56,934 (vi) 1,56,031

24. श्री के. गजानन बेजार्ड, कन्नूर (i) ए (ii) 1984-85 (iii) 2,89,700 (iv) 2,95,800 (v) 1,72,626 (vi) 1,72,826

25. श्री गिरिधर कम्मल, द्वारा के० एम० ए० कम्मल ऐन्ड नन्स कामरगोड (i) ए (ii) 84-85 (iii) 2,38,500 (iv) 2,55,050 (v) 1,49,237 (vi) 1,45,626.

26. श्री ग्लासीम एचकोटर, जियेस स्ट्रीम कोच्चिन-1 (i) ए (ii) 84-85 (iii) 2,17,960 (iv) 2,13,550 (v) 1,21,224 (vi) 1,21,224.

27. वही (i) ए (ii) 1985-86 (iii) 2,76,010 (iv) 2,71,560 (v) 1,45,809 (vi) 1,45,809.

28. श्री पी० डी० गोपालन, उबेल्लर, कुन्नमकुन्नम (i) ए (ii) 84-85 (iii) 7,01,240 (iv) 7,01,240 (v) 4,54,071 (vi) 4,49,365.

29. श्री एच. गोपाल कम्मल, द्वारा मेमर्स गोपाल कम्मल, तलशोरी (i) ए (ii) 84-85 (iii) 1,80,000 (iv) 2,90,730 (v) 1,73,321 (vi) 98,378.

30. श्री के.वी.गोगाम ऐययर, कोट्टितिराप्पल्ली, पालक्काट (i) (ii) 1983-84 (iii) 19,01,190 (iv) 19,29,660 (v) 15,866 (vi) 15,866
31. श्री ई. के. हरिवर, कुमार इन्स्टीट्यूट, एडुतुरा (i) (ii) 84-85 (iii) 188,590 (iv) 2,06,540 (v) 15,595 (vi) शून्य
32. ---वही--- (i) (ii) 1915-38 (iii) 2,18,630 (iv) 2,18,630 (v) शून्य (vi) शून्य
33. श्रीमती इंदिरा पोनुवाक, पोनुवास नदसे, मुण्णूर (i) (ii) 1986-87 (iii) 2,16,950 (iv) 2,16,950 (v) 87,725 (vi) 87,725
34. श्री श्री. पी. जेकरा (i) (ii) 1986-87 (iii) 2,32,990 (iv) 2,62,690 (v) 1,02,983 (vi) 98,990
35. श्री ज्योती पी. जेकरा, कोलचेरी (i) (ii) 1986-87 (iii) 1,86,250 (iv) 2,36,200 (v) 99,350 (vi) 99,350
36. श्री सी.डी. जोसफ चेम्पन्नूर उवल्लरी, मुण्णूर (i) (ii) 86-87 (iii) 2,81,350 (iv) 2,81,350 (v) 30,000 (vi) 1,26,525 (vi) 1,26,525
37. श्री एम. जे.जोसफ, प्रतिनिधि द्वारा, मरियाम्मा जोस, सेम्बुरी बैला, कोयिक्कोट (i) (ii) 1984-85 (iii) 2,07,650 (iv) 2,00,000 (v) 1,13,653 (vi) शून्य
38. टी.बी. ज्योती, मेसर्स टी.के. रणायन एन्ड ब्रदर्स, मुण्णूर (i) (ii) 1986-87 (iii) 3,44,170 (iv) 3,44,170 (v) 1,52,210 (vi) 1,52,210
39. श्री के. किरात दास, मेसर्स पी.के. नेहंगुडी एन्ड ब्रदर्स, पामक्काट (i) (ii) 1984-85 (iii) 1,97,605 (iv) 2,05,450 (v) 8,507 (vi) 8057
40. श्री पी. कोमु, सौत कोटमला, द्वारा मण्णक्काट (i) (ii) 84-85 (iii) 4,23,732 (iv) 4,23,720 (v) शून्य (vi) शून्य
41. डा. के. कृष्णन कुट्टी, कोरप्पात्त लेन, मुण्णूर (i) (ii) 86-87 (iii) 2,06,190 (iv) 2,07,550 (v) 84,150 (vi) 84,150
42. श्री एन. कृष्ण भायिक, प्रोपर्टर, कृष्ण नाटिक एन्ड कं. पालयम रोड, कोयिक्कोट (i) (ii) 86-87 (iii) 6,20,920 (iv) 9,70,920 (v) 4,64,710 (vi) 4,64,710
43. श्री ए. के. कुमारन, प्रिन्सिपली हाउस, एरियल, कोट्टुल्लूर (i) (ii) 1986-87 (iii) 2,92,080 (iv) 2,94,080 (v) 1,26,290 (vi) 1,26,290
44. श्री सी. के. कृष्णन, चामकोविल हाउस, मुण्णूर कडवक्कडु (i) (ii) 1986-87 (iii) 2,97,400 (iv) 2,97,400 (v) 1,27,950 (vi) 1,27,950
45. श्री पी.एम. लक्ष्मणन, वेस्ट कोस्ट बीजिंग एन्ड मिल्लर्स, मुण्णूर (i) (ii) 1984-85 (iii) 4,93,860 (iv) 6,39,360 (v) 108,646 (vi) 3,11,540
46. श्री भाषव बालिग मुण्णूर, (i) (ii) 1984-85 (iii) 1,94,110 (iv) 2,00,090 (v) 1,12,139 (vi) 1,12,139
47. ---वही--- (i) (ii) 1984-86 (iii) 2,02,250 (iv) 2,30,140 (v) 1,03,474 (vi) 1,03,474
48. ---वही--- (i) (ii) 1986-87 (iii) 2,28,680 (iv) 2,28,680 (v) 94,190 (vi) 94,190
49. श्री श्री.पी. मरियु, द्वारा नेसिलकोड ट्रेडर्स बंधा बाजार, कडिकोट (i) (ii) 1985-86 (iii) 4,59,860 (iv) 4,44,560 (v) 2,52,853 (vi) 2,52,853
50. श्रीमती के.पी. मेरी, कडयिक्कु (i) (ii) 1986-87 (iii) 4,40,000 (iv) 4,44,500 (v) 2,00,825 (vi) 2,00,725
51. श्रीमती ए. मेहजबी काजा क. चामक्काट (i) (ii) 1985-86 (iii) 2,66,850 (iv) 2,66,850 (v) 1,42,895 (vi) 1,42,895
52. श्री मोहम्मद हुसैन उस्मान अब्दुल फिगरीम, कोवित्त-2 (i) (ii) 1984-85 (iii) 2,71,810 (iv) 2,71,780 (v) 1,60,530 (vi) 1,60,530
53. श्री एम.बी. मूसा मणिक्कोट, कांजगाड, कामरगोट (i) (ii) 74-75 (iii) 41,050 + 5,000 (रुपि) (iv) 8,29,250 + 5,000 (v) 7,49,257 (vi) शून्य
54. श्री पी.एम. पैरी गिर्री, कोन्नेरी (i) (ii) 1985-86 (iii) 197010 (iv) 216930 (v) 113976 (vi) 101650
55. श्री टी.आर. पॉन्, मेसर्स डी.के. रणायन एन्ड ब्रदर्स, तल्लूर (i) (ii) 1986-87 (iii) 2,70,630 (iv) 2,70,630 (v) 116065 (vi) 116065
56. श्री.पी. पौन कडयिक्कु (i) (ii) 1986-87 (iii) 5,19,750 (iv) 5,24,750 (v) 2,40,375 (vi) 2,40,750
57. के.पी. पौनोस, कडयिक्कु (i) (ii) 1984-85 (iii) 319380 (iv) 2,70,410 (v) 1,54,542 (vi) 5,79,250
58. श्री.पी. पौनोस, कुट्टीककुरी (i) (ii) 1986-87 (iii) 3,09,260 (iv) 1,98,637 (v) 1,34,205 (vi) 1,34,205
59. डा. के.सी. पञ्चगन, कोल्लर हाउस, मुण्णूर (i) (ii) 1986-87 (iii) 230950 (iv) 2,89,210 (v) 1,63,686 (vi) 1,62,825
60. श्री श्री. पुरुषोत्तम कम्मल तल्लोरी (i) (ii) 85-86 (iii) 2,37,830 (iv) 2,37,830 (v) 1,24,939 (vi) 1,24,939
61. ---वही--- (i) (ii) 86-87 (iii) 2,53,330 (iv) 2,59,280 (v) 1,08,390 (vi) 1,08,390
62. के. रघुकृष्णन, प्लान्टेन मर्चेन्ट, पालक्काट (i) (ii) 1982-83 (iii) 3,27,090 (iv) 3,26,980 (v) 1,92,927 (vi) 1,92,927
63. ---वही--- (i) (ii) 1983-84 (iii) 3,60,120 (iv) 3,60,120 (v) 2,15,487 (vi) 2,15,487
64. श्री पी.के. रघवन, तल्लोरी (i) (ii) 86-87 (iii) 4,50,330 (iv) 4,50,330 (v) 2,05,915 (vi) 2,05,915
65. श्री टी.आर. राघवन, एलैट प्रोपियर्स (i) (ii) 1983-84 (iii) 230190 (iv) 2,30,190 (v) 45,291 (vi) 45,291
66. एम.जी. राजन, जलियेट्टा, पालक्काट (i) (ii) 1981-82 (iii) 2,40,380 (iv) 2,40,380 (v) --- (vi) ---
67. एम. राजेन्द्रनाथ पी. मेसर्स एन. वेंकटेश्वरनाथ एन्ड कं., तल्लोरी (i) (ii) 1985-86 (iii) 48,940 (iv) 3,43,810 (v) 1,90,513 (vi) 36,281
68. के.एस. रामकृष्णन, अनिता भवन, एरणाकुलम (i) (ii) 1984-85 (iii) 5,74,890 (iv) 6,66,840 (v) 4,31,977 (vi) 3,72,498

69. श्री के. रमेश, पोडुवाल बल्लभ, तुमशूर (1) ए (2) 1984-85 (3) 2,37,650 (4) 2,48,540 (5) 1,44,842 (6) 1,29,546
70. श्री सी.डी. राफेल, तट्टिल, चीनीकाल हाउस, तुमशूर (1) ए (2) 1986-87 (3) 3,00,610 (4) 3,00,610 (5) 1,29,555 (6) 1,29,555।

71. श्री के. राजनारायण, मैसर्स पी.के. नेहरूजी एण्ड अदर्स, पालक्काट (1) ए (2) 1984-85 (3) 3,10,460 (4) 3,10,460 (5) 1,30,779 (6) 1,30,779।

72. श्री रियास अहममद, अब्बास पियारिस, कोचिन-2 (1) ए (2) 1984-85 (3) 2,59,510 (4) 2,59,510 (5) 1,52,248 (6) 1,52,248।

73. श्री ए.ए. सलीम, एफ. जे.बी. टायर रिट्रेडिंग कं. पालक्काट (1) ए (2) 85-86 (3) 2,08,220 (4) 2,53,190 (5) --- (6) ---

74. श्री के.सी. शाशिवरतन, कोल्लरा हाउस, मिशन बयार्टर्स, तुमशूर, (1) ए (2) 1983-84 (3) 3,29,060 (4) 5,34,760 (5) 3,30,749 (6) 165।

75. श्रीमती ए. पहिराबी, काजा कं., चावक्काट (1) ए (2) 1984-85 (3) 2,14,010 (4) 2,13,940 (5) 1,22,837 (6) 1,22,837।

76. ---वही--- (1) ए (2) 1985-86 (3) 3,09,680 (4) 3,09,680 (5) 1,69,408 (6) 1,69,408।

77. श्रीमती ए. शनिबाबी, काजा कं., चावक्काट (1) ए (2) 1985-86 (3) 2,59,210 (4) 2,61,840 (5) 1,39,796 (6) 1,39,796।

78. श्रीमती के. शांतकुमारी अम्मा, थेरनूर, टाईल वर्क्स, थेरनूर (1) ए (2) 1986-87 (3) 1,94,040 (4) 2,36,250 (5) 88,913 (6) शून्य।

79. श्री के.एन. श्रीधर शेणाय, पालयम रोड, कोथिक्कोट (1) ए (2) 1984-85 (3) 1,77,930 (4) 2,52,930 (5) 1,48,120 (6) 1,47,885।

80. श्री सूर्यकांत के मेहता, सी.के.एन. मेहता एण्ड कं., कोचिन-2 (1) ए (2) 1984-85 (3) 2,31,230 (4) 2,31,230 (5) 1,33,156 (6) 1,33,356।

81. श्रीमती पी.ए. संकम्मा, पालाल कन्स्ट्रक्शन पुस्तकुरिश (1) ए (2) 86-87 (3) 2,15,550 (4) 2,21,240 (5) 89,965 (6) 87,025।

82. श्रीमती के.के. संकमणी, केतप्पमनतिल हाउस, कोडुवायूर (1) ए (2) 1984-85 (3) 3,08,760 (4) 3,08,760 (5) --- (6) ---

83. श्री तोमस भंतापर, जे.प्रो. वेन्स, एरिजप्पातम, कोथिक्कोट (1) ए (2) 1984-85 (3) 2,10,000+कृषि 10,000 (4) 2,10,000+कृषि 10,000 (5) 1,22,488 (6) 1,22,488।

84. ---वही--- (1) ए (2) 1985-86 (3) 2,67,500+कृषि 1,000 (4) 2,67,500+कृषि 1,000 (5) 1,46,593 (6) 1,46,593।

85. श्रीमती बी.पी. त्रिमती, पी डब्ल्यू.डी. कोष्टाभट्टर, इडयना (1) ए (2) 1986-87 (3) 14,05,750 (4) 14,09,210 (5) 6,94,304 (6) 6,81,784।

86. श्री पी. जगमन, अश्वहीकोट (1) ए (2) 1986-87 (3) 2,07,770 (4) 2,07,750 (5) 83,125 (6) 83,125।

87. श्रीमती वसुधा पॉल, मैसर्स पौलोस एण्ड कं. कूट्टुक्की, (1) ए (2) 1985-86 (3) 4,27,790 (4) 4,27,790 (5) 2,54,830 (6) 2,43,855

88. ---वही--- (1) ए (2) 1986-87 (3) 4,30,300 (4) 4,30,000 (5) 1,95,275 (6) 1,95,275।

89. श्रीमती एम.पी. वनार्थी, कन्नानोर (1) ए (2) 1984-85 (3) 2,70,010 (4) 2,95,810 (5) 1,76,047 (6) 1,59,344।

90. श्री एल. बरदराज सेणोय, तलशेरी (1) ए (2) 1986-87 (3) 2,31,610 (4) 2,32,930 (5) 95,715 (6) 95,085।

91. श्री ए. वेलायुध मेनोन, मैसर्स के.पी. गोविंद मेनोन, कोचिन-2 (1) ए (2) 1984-85 (3) 2,28,650 (4) 2,28,650 (5) 1,31,417 (6) 1,31,417।

92. श्री बैकिटेश नायिक मोहनदास, ज्वेलर, पालायम रोड, काशी-कट (1) ए (2) 1986-87 (3) 3,39,150 (4) 3,51,190 (5) 1,54,845 (6) 1,79,290।

93. श्री जक्करिया उस्मान, अब्बास फिशरीस, कोचिन-2 (1) ए (2) 1984-85 (3) 2,72,980 (4) 2,72,940 (5) 1,61,312 (6) 1,61,312।

अनुसूची-1बी

1. श्री ए. अब्दुल रहमान, राजा मंजिल, चापाट (1) ए (2) 1984-85 (3) 10,09,560+कृषि 33,881 (4) 10,10,390+33,880 (कृषि) (5) 6,69,090 (6) 6,69,090।

2. श्री ए. अब्दुल रशीद राजा मंजिल, चावक्काट (1) ए (2) 1984-85 (3) 12,79,760+29,580 (कृषि) 12,79,760+29,580 (कृषि) (4) 12,84,870+29,580 (कृषि) (5) 7,58,763 (6) 7,58,763।

3. श्री अब्दुल सज्जम, राजा मंजिल, चावक्काट (1) ए (2) 1984-85 (3) 12,91,760+34,670 (कृषि) (4) 12,97,070+34,670 (कृषि) (5) 8,62,089 (6) 8,62,089।

4. हाजी ए. अब्दुल रहमान द्वारा स्व.ए. अब्दुल खादर साहिव, चावक्काट (1) ए (2) 1984-85 (3) 19,70,980+28,243 (कृषि) (4) 19,74,780+28,240 (कृषि) (5) 13,18,096 (6) 13,18,096।

5. मैसर्स के.एस.ए. कामन ऐन्ड मैस, कासरगोड (1) ए (2) 1984-85 (3) 9,97,650 (4) 10,55,460 (5) 2,69,224 (6) 2,69,224।

6. मैसर्स ई.बी. मत्तायी ऐन्ड सन्स, कोषामंगलम (1) ए (2) 1984-85 (3) 1,64,430 (4) 10,14,600 (5) 2,58,192 (6) 28,646।

7. म्मु. आनंद भागर कलर मर्चेंट्स, कण्णूर (1) ए (2) 1986-87 (3) 10,03,030 (4) 10,03,110 (5) 2,22,446 (6) 2,22,446।

8. मैसर्स नेल्सिकोट ट्रेडर्स, बड़ा बाजार, कोथिक्कोट (1) ए (2) 1985-86 (3) 14,62,200 (4) 4,62,200 (5) 3,79,044 (6) 3,69,044।

9. मैसर्स टेन्कीय इस्टरेजेशन, कोचिन-18 (1) ए (2) 1984-85 (3) 10,90,550 (1) 10,99,520 (5) 2,90,847 (6) 2,90,847

अनुसूची-II

1. श्री सी. चारुचंदन, पालक्काट (i) ए (ii) 1982-83 (iii) 5,820 (iv) 271 (i) ए

2. मैसर्स जॉय एन्ड स. प्रथम (I) एक (ii) 1980-81 (iii) 80,000 (iv) 271 (i) सी

3. मैसर्स कोयलंगलम गोपी टिंबर, कं., कोयलंगलम (i) एक (ii) 1980-81 (iii) 7410 (iv) 271 (i) (ए)

4. मैसर्स पोपुलर प्राटोमोबैल म. बैंक रोड, कालिकट (i) एक (ii) 1976-77 (iii) 2,00,000 (iv) 271 (i) (सी)

5. मैसर्स पोपुलर टयर्स प्रायुवा (i) एक (ii) 1982-83 (iii) 18,824 (iv) 271 (i) (सी)

6. प्रेल्हाकुट्टी मालू (i) ऐ (ii) 1978-79 (iii) 8,680 (iv) 271 (i) सी।

7. श्री सी. टी. वर्गीय, चेंबलूर ब्रदर्स, चासिगरी (i) ऐ (ii) 1932-83 (iii) 5,544 (iv) 271 (i) (ए)

अनुसूची-III

1. श्री अब्दुल्ला माहम्मद, कस्बमोडो, कालंगडी (i) 1,16,497 (ii) 32,296 (iii) 1,48,793

2. श्री एम. बी. अब्दुल्ला, रेल्वे स्टेशन के पास काजंगाड (i) 34,22,000 (ii) शून्य (iii) 34,22,000

3. श्री पी०ए०अब्दुल मजीद मैसर्स पी०ए० अब्दुल रहमान कुट्टी ऐन्ड सन्स, कोचिन-1 (i) 1,33,000 (ii) 13,000 (iii) 1,46,000.

4. श्री पी०ई०अप्पू, प्रतिनिधि द्वारा वि. स.क. उत्तराधिकारी एवं पुत्र पी०ए० शशिधरन, पोलटलता हाउस, कोडुगलूर (i) 3,56,744 (ii) शून्य (iii) 3,56,744.

5. श्री फ्रान्को निटो, घोषियन फिशरीस, कोचिन-6 (i) 4,49,000 (ii) 22,000 (iii) 4,71,000

6. स्व. के. कोल्लवस, घोषियन फिशरीस, कोचिन-6 (i) 7,63,000 (ii) शून्य (ii) 7,63,000.

7. श्री ए०पी०जोम, ऐनिकल हाउस, माला (i) 5,44,703 (ii) शून्य (iii) 5,44,703.

8. श्री ए०पी० मोहम्मद हाजी, पयतीर प्राटोमोबैल, कानीकट (i) 5,77,989 (ii) 1,11,684 (iii) 6,89,637.

9. श्री मोघल अब्दुल्ला मूसा, कायरोड (i) 2,01,158 (ii) 1,58,103 (iii) 359,261.

10. मैसर्स एम०एस०एम० सालिहीन माहिब ऐन्ड ब्रदर्स, कोडुकायर (i) 1,28,190 (ii) शून्य (iii) 1,28,190.

11. मैसर्स घोषियन फिशरीस, कोचिन-6 (i) 1,41,000 (ii) शून्य (iii) 1,41,000.

12. श्री बी०भार०परेख, कलकट्टी, काचिन-1 (i) 4,61,000 (ii) 58,000 (iii) 5,19,000.

13. श्री पी०ए० रबीन्द्रन, पोलकुलत हाउस, कोडुगलूर (i) 2,95,716 (ii) शून्य (iii) 2,95,716.

14. श्री पी०ए० शर्माप्रसन्न, पोलकुलत हाउस, कोडुगलूर (i) 3,07,367 (ii) शून्य (iii) 3,07,367.

15. श्री बेगुमोपालवर्मा राजा (i) 1,62,988 (अथ कर) (ii) शून्य (iii) 1,62,988.

16. ... वही—(i) 5,51,910 (इसकर) (ii) शून्य (iii) 5,51,910

INCOME-TAX DEPARTMENT

Cochin, the 16th September, 1987

S.O. 2994.—Pursuant to the direction of the Government of India under section 287 of the Income-tax Act, 1961, conveyed by the Department of Revenue (Central Board of Direct Taxes), the Commissioner of Income-tax, Cochin hereby publishes the following information with reference to the financial year 1986-87.

Schedule-IA.

Contains the names, address and other particulars in respect of individuals and Hindu undivided families assessed on an income of more than Rs. 2 lakhs.

Schedule-IB

Contains the names, address and other particulars in respect of Companies, Firms and Associations of persons assessed on an income of more than Rs. 10 lakhs.

Schedule-II.

Contains names, address and other particulars in respect of persons on whom a penalty of not less than Rs. 5000/- was imposed during the financial year 1986-87 for failure to file a return of income in time or to produce books of account, or for concealment of income, or in whose cases such penalties have been confirmed in appeal or revision during the financial year 1986-87 to an extent of Rs. 5000/- or more.

Schedule-III.

1. contains the names, address and other particulars in respect of persons who have been in default of payment of tax, amounting to Rs. 1 lakh or more, for over two years as on the last day of the financial year 1986-87.

2. The particulars given in Schedule-IA and Schedule-IB are (i) Status (ii) assessment year (iii) income returned (iv) income assessed (v) income-tax payable and (vi) income-tax paid.

The particulars given in Schedule II are (i) status (ii) assessment year (iii) amount of penalty (iv) nature of penalty.

The particulars given in Schedule III are (i) tax including interest (ii) penalty and (iii) total (all amounts are in rupees).

3. Status is indicated by 'I' for individual 'H.U.F.' for Hindu undivided families, 'Co.' for Companies, 'F' for Firms, 'A.O.P.' for Association of persons and 'R' for representative assesseees.

Schedule-IA.

1. Sri. Abdul Hazeeb, Raja Manzil, Chavakkad (i) I (ii) 1985-96 (iii) 6 36,960 (iv) 6,60,530 (v) 3,88,433 (vi) 3,76,545.
2. Sri K.K. Abdul Kareem, Bella Kadapuram, Kasaragod (i) I (ii) 1983-84 (iii) nil (iv) 2,00,000 (v) 1,09,808 (vi) 1,59,623.
3. Sri. P.K. Achuthan, Tellicherry (i) I (ii) 1986-87 (iii) 5,68,330 (iv) 6,14,080 (v) 2,87,780 (vi) 2,64,915.
4. Sri Ahamed Usman, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 2,67,810 (iv) 2,67,780 (v) 1,57,829 (vi) 1,57,829.
5. Smt. Anni Paul, Kadayirippu (i) I (ii) 1986-87 (iii) 4,31,550 (iv) 4,35,050 (v) 1,95,900 (vi) 1,95,900.
6. Sri anwar Hashim, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 2,57,570 (iv) 2,57,830 (v) 1,51,113 (vi) 1,51,113.
7. Sri Arif Hashim, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 1,50,540 (iv) 2,57,230 (v) 1,61,958 (vi) 1,61,958.
8. Sri Ashif Ahamed, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 2,48,910 (iv) 3,57,860 (v) 2,18,633 (vi) 2,18,633.
9. Sri. A.D. Assoo, Tellicherry (i) I (ii) 1986-87 (iii) 2,65,930 (iv) 2,73,560 (v) 1,16,030 (vi) 1,12,215.
10. Sri. C.P. Baby, Chettupuzha Jewellery, Trichur (i) I (ii) 1986-87 (iii) 2,08,180 (iv) 2,19,630 (v) 89,065 (vi) 82,972.
11. Sri. P.D. Balakrishnan, Tellicherry (i) I (ii) 1986-87 (iii) 4,93,990 (iv) 4,96,720 (v) 2,28,860 (vi) 2,27,456.
12. Smt. Catherine Palu, Chackola Bhavan, Mission Quarters Trichur (i) I (ii) 1983-84 (iii) 3,68,200 (iv) 3,71,120 (v) 2,22,747 (vi) 2,22,095.
13. Smt. Catherine Palu, -do- (i) I (ii) 1984-85 (iii) 3,70,020 (iv) 3,72,580 (v) 2,28,569 (vi) 2,27,227.
14. Sri. M. Chacko Pillai (i) I (ii) 1985-86 (iii) 1,53,213 (iv) 2,18,490 (v) 1,20,285 (vi) 1,63,392.
15. Sri. K.T. Cherukutty, Kunnath Textiles, Ayyanthole, Trichur (i) I (ii) 1985-86 (iii) 2,56,400 (iv) 2,57,690 (v) 1,37,227 (vi) 1,36,129.
16. Sri K.T. Cherukutty, -do- (i) I (ii) 1986-87 (iii) 4,09,540 (iv) 4,09,540 (v) 1,84,020 (vi) 1,83,060.
17. Sri Dilip Kumar K. Metha, CKN Mehta & Co., Cochin-2 (i) I (ii) 1984-85 (iii) 2,25,810 (iv) 2,33,320 (v) 1,34,569 (vi) 1,34,569.
18. Sri O.Dineshan, Cannanore (i) I (ii) 1985-86 (iii) 2,78,920 (iv) 2,78,920 (v) 1,18,710 (vi) 1,18,710.
19. Sri. P. Dineshan, Azhikode (i) I (ii) 86-87 (iii) 2,09,690 (iv) 2,09,960 (v) 84,095 (vi) 84,095.
20. Sri. K.A. Eliakutty, Ragam Theatre, Trichur (i) I (ii) 85-86 (iii) 4,28,770 (iv) 4,41,870 (v) 2,51,189 (vi) 2,51,189.
21. Shri. K.J. Francis, Rep. by K.F.Jose, Fashion Fabrics, Trichur (i) I (ii) 1984-85 (iii) 4,35,310 (iv) 4,56,620 (v) 2,85,296 (vi) 2,70,906.
22. Shri. K.T. Francis, Paper Mart, Trichur (i) I (ii) 1984-85 (iii) 2,42,900 (iv) 2,59,110 (v) 1,51,977 (vi) 1,41,036.
23. -do- (i) I (ii) 1985-86 (iii) 2,88,080 (iv) 2,89,540 (v) 1,56,934 (vi) 1,56,031.
24. Shri K. Gajanana Shenoy, Cannanore (i) I (ii) 1984-85 (iii) 2,89,700 (iv) 2,95,800 (v) 1,72,626 (vi) 1,72,626.
25. Shri. Giridhar Kamath, C/o. K.S.A. Kamath & Sons, Kasaragod (i) I (ii) 84-85 (iii) 2,38,500 (iv) 2,55,050 (v) 1,49,237 (vi) 1,45,626.
26. Shri. Gladys S.Koder, Princes Street, Cochin-1 (i) I (ii) 84-85 (iii) 2,17,960 (iv) 2,13,550 (v) 1,21,224 (vi) 1,21,224.
27. do (i) I (ii) 1985-86 (iii) 2,76,010 (iv) 2,71,560 (v) 1,45,809 (vi) 1,45,809.
28. Shri P. D. Gopalan, Jeweller, Kunnankulam (i) I (ii) 84-85 (iii) 7,01,240 (iv) 7,01,240 (v) 4,54,071 (vi) 4,49,365.
29. Shri S. Gopal Kamath, C/o. M/s. Gopal Kamath, Tellicherry (i) I (ii) 84-85 (iii) 1,90,000 (iv) 2,90,730 (v) 1,73,321 (vi) 98,578.
30. Shri. K.V. Gopala Iyer, Kodunthirappally, Palghat (i) I (ii) 1983-84 (iii) 19,01,190 (iv) 19,29,680 (v) 15,866 (vi) 15,886.
31. Shri. E.K.Haridas, Kumar Industries, Edathara (i) I (ii) 84-85 (iii) 1,86,590 (iv) 2,06,540 (v) 15,595 (vi) Nil.
32. -do- (i) I (ii) 1985-86 (iii) 2,18,630 (iv) 2,18,630 (v) nil (vi) NIL.
33. Mrs. Indira Poduval, Poduval Bros, Trichur (i) I (ii) 1986-87 (iii) 2,16,950 (iv) 2,16,950 (v) 87,725 (vi) 87,725.
34. Shri.C.V.Jacob (i) I (ii) 1986-87 (iii) 2,32,980 (iv) 2,62,690 (v) 1,02,968 (vi) 98,990.
35. Shri Joy P. Jacob, Kolenchery (i) I (ii) 1986-87 (iii) 1,86,250 (iv) 2,36,200 (v) 98,850 (vi) 98,850.
36. Shri. C. D. Joseph, Chemmanur Jewellery, Trichur (i) I (ii) 86-87 (iii) 2,81,850 (iv) 281,850 Agl. 30,000 (v) 126,525 (vi) 126,525.
37. Late. M. J. Joseph, Rep. by Mariamma Jose, Century Wines, Calicut (i) I (ii) 1984-85 (iii) 2,07,650 (iv) 2,00,000 (v) 1,13,653 (vi) Nil.
38. T.V. Joy, M/s. T.K.Rappai & Bros. Trichur. (i) I (ii) 1986-87 (iii) 3,44,170 (iv) 3,44,170 (v) 1,52,210 (vi) 1,52,210.

39. Shri.K.Kiratha Das, M/s. P.K. Nedungadi & Bros. Palghat. (i) I (ii) 1984-85 (iii) 1,97,605 (iv) 2,05,450 (v) 8,057 (vi) 8057.
40. Shri. P. Komu, South Kotamala, Via. Man-narghat. (i) I (ii) 84-85 (iii) 4,23,722 (iv) 4,23,720 (v) Nil. (vi) Nil.
41. Dr. K. Krishnan Kutty, Korappath Lane, Trichur (i) I (ii) 86-87 (iii) 2,05,190 (iv) 2,07,550 (v) 84,150 (vi) 84,150.
42. Shri.K.Krishana Naik, Prop.N.Krishna Naik and Co. Palayam Road, Calicut (i) I (ii) 86-87 (iii) 6,70,920 (iv) 9,70,920 (v) 4,64,710 (vi) 4,64,710.
43. Shri.A.K.Kumaran, Anduruthy House, Eriyad Kodungallur. (i) I (ii) 1986-87 (iii) 2,92,080 (iv) 4,94,860 (v) 1,26,290 (vi) 1,26,290.
44. Shri. C.K.Kuttappan, Chakkambil House, Trichur. Kandas Sankadavs (i) I (ii) 1986-87 (iii) 2,97,400 (iv) 2,97,400 (v) 127950 (vi) 127950.
45. Shri.P.M.Lakshmanan, West Coast Weaving Estt., Cannanaore. (i) I (ii) 1984-85 (iii) 4,95,860 (iv) 6,39,360 (v) 4,08,646 (vi) 3,11,540.
46. Sri. Madhava Baliga, Cannanore (i) I (ii) 1984-85 (iii) 1,94,110 (iv) 2,00,090 (v) 1,12,139 (vi) 1,12,139.
47. -do- (i) I (ii) 1985-86 (iii) 2,02,250 (iv) 2,03,140 (v) 1,03,474 (vi) 1,03,474.
48. -do- (i) I (ii) 1986-87 (iii) 2,29,880 (iv) 2,29,880 (v) 94, 190 (vi) 94,190.
49. Sri. V.P. Mariyu, C/o. Nellidot Traders, Bigbazaar, Calicut (i) I (ii) 1985-86 (iii) 4,50,860 (iv) 4,44,560 (v) 2,52,853 (vi) 2,52,853.
50. Smt. K.P. Mary, Kadayiruppu (i) I (ii) 1986-87 (iii) 4,40,000 (iv) 4,44,500 (v) 2,00,625 (vi) 2,00,625.
51. Smt. A. Mehjabi, Kajah Co., Chavakkad (i) I (ii) 1985-86 (iii) 2,66,850 (iv) 2,66,850 (v) 1,42,895 (vi) 1,42,895.
52. Sri. Mohamed Hashim Usman, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 2,71,810 (iv) 2,71,780 (v) 1,60,530 (vi) 1,60,530.
53. Shri M.B. Moosa, Manikotu, Kuanhngad, Kasaragod. (i) I (ii) 74-75 (iii) 41,050 + 5,000 (Agri.) (iv) 8,29,250 + 5,000 (v) 7,49,257 (vi) Nil.
54. Shri. P.M. Paily Pillai, Kolenchery (i) I (ii) 1985-86 (iii) 197010 (iv) 216930 (v) 113976 (vi) 101650
55. Shri T.R. Pauly, M/s. T.K. Rappai & Bros., Trichur (i) I (ii) 1986-87 (iii) 270630 (iv) 270630 (v) 116065 (vi) 116065.
56. C.P. Paul, Kadayiruppu (i) I (ii) 1986-87 (iii) 519750 (iv) 524750 (v) 240375 (vi) 240750.
57. K.P. Paulose, Kadayiruppu (i) I (ii) 1984-85 (iii) (—) 519380 (iv) 270410 (v) 154542 (vi) 579250.
58. P.V. Paulose, Kottukuzhi (i) I (ii) 1986-87 (iii) 309260 (iv) 198687 (v) 134205 (vi) 134205.
59. Dr. K.C. Prakashan, Kollara House, Trichur. (i) I (ii) 1986-87 (iii) 280950 (iv) 289210 (v) 168686 (vi) 162825.
60. Shri D. Purushothama Kamath, Tellicherry (i) I (ii) 85-86 (iii) 2,36,030 (iv) 2,37,830 (v) 1,24,939 (vi) 1,24,939.
61. -do- (i) -do- (ii) 86-87 (iii) 2,53,330 (iv) 2,59,280 (v) 1,08,890 (vi) 1,08,890.
62. K. Radhakrishnan, Plantain Merchant, Palghat (i) I (ii) 1982-83 (iii) 327090 (iv) 326980 (v) 192927 (vi) 192927.
63. -do- (i) I (ii) 1983-84 (iii) 360120 (iv) 360120 (v) 215487 (vi) 215487.
64. Shri. P.K. Raghavan, Tellicherry (i) I (ii) 86-87 (iii) 4,50,330 (iv) 4,50,330 (v) 2,05,915 (vi) 2,05,915.
65. Shri T.R. Raghavan, Elite Fabrics (i) I (ii) 1983-84 (iii) 230190 (iv) 230190 (v) 45291 (vi) 45291.
66. M.G. Rajan, Athipotta, Palghat (i) I (ii) 1981-82 (iii) 240380 (iv) 240380 (v) —(vi)—
67. S. Rajendranath Pai, M/s. N. Venketesh Shenony and Co., Tellicherry (i) I (ii) 1985-86 (iii) 48,940 (iv) 3,43,810 (v) 1,90,513 (vi) 36,281.
68. K.S. Ramakrishnan, Anitha Bhavan, Ernakulam (i) I (ii) 1984-85 (iii) 574890 (iv) 666840 (v) 431977 (vi) 372498.
69. Shri K. Ramesh, Poduval Bros, Trichur (i) I (ii) 1984-85 (iii) 227550 (iv) 248540 (v) 144842 (vi) 129546.
70. Shri C.D. Raphael, Thattil Cheenickal House, Trichur (i) I (ii) 1986-87 (iii) 300610 (iv) 300610 (v) 129555 (vi) 129555.
71. Shri K. Ravindranath, M/s. P.K. Nedungadi N Bros, Palghat. (i) I (ii) 1984-85 (iii) 310460 (iv) 310460 (v) 130779 (vi) 130770
72. Sri. Riaz Ahamad, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 2,59,510 (iv) 2,59,510 (v) 1,52,248 (vi) 152248
73. Sri. I.A. Salim, F.J. Tyre Retrading Co., Palghat (i) I (ii) 1985-86 (iii) 2,08,220 (iv) 2,53,190 (v) —(vi)—
74. Sri. K.C. Sasidharan, Kollara House, Mission Qtrs., Trichur (i) I (ii) 1983-84 (iii) 3,29,060 (iv) 5,34,760 (v) 3,30,749 (vi) 165.
75. Smt. A. Shahirabi, Kajah Co., Chavakkad (i) I (ii) 1984-85 (iii) 2,14,010 (iv) 2,15,940 (v) 1,22,837 (vi) 1,22,837.
76. -do- (i) I (ii) 1985-86 (iii) 3,09,680 (iv) 3,09,680 (v) 1,69,408 (vi) 1,69,408.

77. Smt. A. Shanibabi, Kajah Co., Chavakkad
(i) I (ii) 1985-86 (iii) 2,59,210 (iv) 2,61,840 (v) 1,39,796
(vi) 1,39,796.

78. Smt. K. Sanghakumari Amma, Shornur Tile Works, Shornur (i) I (ii) 1986-87 (iii) 1,94,040 (iv) 2,36,250 (v) 88,913 (vi)

79. Sri. K.N. Sreedhara Shenoy, Palayam Road, Calicut (i) I (ii) 1984-85 (iii) 1,77,930 (iv) 2,52,930 (v) 1,48,120 (vi) 1,47,685.

80. Sri. Suryakant K. Mehta, C.K.N. Mehta & Co. Cochin-2 (i) I (ii) 1984-85 (iii) 2,31,230 (iv) 2,31,230 (v) 1,33,156 (vi) 1,33,156.

81. Smt. P.I. Thankamma, Palal Construction, Puthencruze (i) I (ii) 1986-87 (iii) 2,15,550 (iv) 2,21,240 (v) 89,965 (vi) 87,025.

82. Smt. K.K. Thankamani, Kothappamanna-thil House, Koduvayur (i) I (ii) 1984-85 (iii) 3,08,760 (iv) 3,08,760 (v)—(vi)—

83. Sri. Thomas Anthraper, J.O. Wines, Erna-hipalam, Calicut (i) I (ii) 1984-85 (iii) 2,10,000 + Agrl. 10,000 (iv) 2,10,000 + Agrl. 10,000 (v) 1,22,488 (vi) 1,22,488.

84. -do- (i) I (ii) 1985-86 (iii) 2,67,500 + Agrl. 1,000 (iv) 2,67,500 + Agrl. 1,000 (v) 1,46,593 (vi) 1,46,593.

85. Sri. V.P. Thrimathy, P.W.D. Contractor, Edavana (i) I (ii) 1986-87 (iii) 14,05,75 (iv) 14,09,210 (v) 6,94,504 (vi) 6,81,784.

86. Sri. P. Uthaman, Azhikode (i) I (ii) 1986-87 (iii) 2,07,770 (iv) 2,07,750 (v) 83,125 (vi) 83,0125.

87. Smt. Valsala Paul, M/s. Pouloso & Co., Kuttukuzhi (i) I (ii) 1985-86 (iii) 4,27,790 (iv) 4,27,790 (v) 2,54,830 (vi) 2,43,855.

88. -do- (i) I (ii) 1986-87 (iii) 4,30,300 (iv) 4,30,300 (v) 1,95,275 (vi) 1,95,275.

89. Smt. M.P. Vanakshi, Cannanore (i) I (ii) 1984-85 (iii) 2,70,010 (iv) 2,95,810 (v) 1,76,047 (vi) 1,59,344.

90. Sri. L. Varadaraj Shenoy, Tellicherry (i) I (ii) 1986 (iii) 2,31,610 (iv) 2,32,930 (v) 95,715 (vi) 95,085.

91. Sri. A. Velayudha Menon, M/s. K.P. Govinda Menon, Cochin (i) I (ii) 1984-85 (iii) 2,28,650 (iv) 2,28,650 (v) 1,31,417 (vi) 1,31,417.

92. Sri. Venkitesh Naik Mohandas, Jeweller, Palayam Road, Calicut (i) I (ii) 1986-87 (iii) 3,39,150 (iv) 3,51,190 (v) 1,54,845 (vi) 1,79,290.

93. Sri. Zacharia Usman, Abad Fisheries, Cochin-2 (i) I (ii) 1984-85 (iii) 2,72,980 (iv) 2,72,940 (v) 1,61,312 (vi) 1,61,312.

SCHEDULE-IB

1. Sri. A. Abdul Rahiman, Raja Manzil, Chowghat (i) I (ii) 1984-85 (iii) 10,09,660 + 38,881 (Agrl.) (iv) 10,10,390 + 38,880 (Agrl.) (v) 6,69,090 (vi) 6,69,090.

2. Sri. A. Abdul Rasheed, Raja Manzil, Chowghat (i) I (ii) 1984-85 (iii) 12,79,760 + 29,580 (Agrl.) (iv) 12,84,870 + 29,580 (Agrl.) (v) 7,58,763 (vi) 7,58,763.

3. Sri. Abdul Salam, Raja Manzil, Chowghat (i) I (ii) 1984-85 (iii) 12,91,760 + 34,670 (Agrl.) (iv) 12,97,070 34,670 (Agrl.) (v) 8,62,089 (vi) 8,62,089.

4. Haji A. Abdul Rahiman for late Haji A. Abdul Khader Sahib, Chowghat (i) I (ii) 1984-85 (iii) 19,70,980 + 28,243 (Agrl.) (iv) 19,74,780 + 28,240 (Agrl.) (v) 13,18,096 (vi) 13,18,096.

5. M/s. K.S.A. Kamath and Sons, Kasaragod (i) F (ii) 1984-85 (iii) 9,97,650 (iv) 10,55,460 (v) 2,69,224 (vi) 2,69,224.

6. M/s. E.V. Mathai & Sons, Kothamangalam (i) F (ii) 1984-85 (iii) 1,64,430 (iv) 10,14,600 (v) 2,58,192 (vi) 28,646.

7. New Anand Sagar Colour Merchants, Cannanore (i) F (ii) 1986-87 (iii) 10,03,080 (iv) 10,03,110 (v) 2,22,446 (vi) 2,22,446.

8. M/s. Nelliket Traders, Big Bazar, Calicut (i) F (ii) 1985-86 (iii) 14,62,200 (iv) 14,62,200 (v) 3,79,044 (vi) 3,79,044.

9. M/s. Trynkey International, Cochin-18 (i) F (ii) 1984-85 (iii) 10,90,550 (iv) 10,99,520 (v) 2,90,847 (vi) 2,90,847.

SCHEDULE-II

1. Sri C.R. Bhavadas, Palghat (i) I (ii) 1984-85 (iii) Rs. 5820 (iv) 271 (I) (a).

2. M/s. Joy & Co., Azhakam (i) F (ii) 1980-81 (iii) Rs. 50,000 (iv) 271 (I) (c).

3. M/s. Kothamangalam Auto Timber Co., Kothamangalam (i) I (ii) 1980-81 (iii) Rs. 7410 (iv) 271 (I) (a).

4. M/s. Popular Automobiles, Bank Road, Calicut (i) F (ii) 1976-77 (iii) 2,00,000 (iv) 271 (I) (c).

5. M/s. Popular Tyres, Alwaye (i) F (ii) 1982-83 (iii) 18,824 (iv) 271 (I) (c).

6. Throssakutty Mathew, (i) I (ii) 1978-79 (iii) 8,680 (iv) 271 (I) (c).

7. Sri. C.T. Varghese, Cheruvathur Bros., Chalisery (i) I (ii) 1982-83 (iii) 5,544 (iv) 271 (I) (a).

SCHEDULE-III

1. Sri. Abdulla Mohammed, Kallangadi, Kasaragod (i) 1,16,497 (ii) 32,296 (iii) 1,48,793.

2. Sri. M.B. Abdulla, Near Railway Station Kanhangad (i) 34,22,000 (ii) Nil (iii) 34,22,000.

3. Sri. P.A. Abdul Majood, M/s. P.A. Abdul Rahman Kutty and Sons, Cochin-1 (i) 1,33,000 (ii) 13,000 (iii) 1,46,000.

4. Sri. P.E. Appu, Represented by Lh & son P.A. Sasidharan, Polakulath House, Kodungalloor (i) 3,56,744 (ii) Nil (iii) 3,56,744.

5. Sri. Anto Nitto, Ocean Fisheries, Cochin-6 (i) 4,49,000 (ii) 22,000 (iii) 4,71,000.

6. Late K.J. Columbus, Ocean Fisheries, Cochin-6 (i) 7,63,000 (ii) Nil (iii) 7,63,000

7. Sri. A.P. Jose, Amikal House, Mala. (i) 5,44,70 (ii) Nil (iii) 5,44,703.

8. Sri. A.P. Mohammed Haji, Pioneer Authomobiles, Calicut (i) 5,77,989 (ii) 1,11,648 (iii) 6,89,637.

9. Sri. Mogral Abdulla Moosa, Kasaragod (i) 2,01,158 (ii) 1,58,103 (iii) 3,59,261.

10. M/s. M.S.M. Saliheen Sahib & Bros., Kedu-vayur (i) 1,28,190 (ii) Nil (iii) 1,28,190.

11. M/s. Ocean Fisheries, Cochin-6 (i) 1,41,000 (ii) Nil (iii) 1,41,000.

12. Sri. V.R. Parekh, Calvetty, Cochin-1 (i) 4,61,000 (ii) 58,000 (iii) 5,19,000.

13. Sri. P.A. Raveendran, Polakulath House, Kodungalloor (i) 2,95,716 (ii) Nil (iii) 2,95,716.

14. Sri. P.A. Sasindran, Pelakulath House, Kodungalloor (i) 3,07,367 (ii) Nil (iii) 3,07,367.

15. Sri. K. Venugopalavarma Raja (i) 1,62,988 (ET) (ii) Nil (iii) 1,62,988.

16. -do- (i) 5,51,910 (WT) (ii) Nil (iii) 5,51,910.

Sd/-

Ernakulam,

(M.J. MATHAN)

Dated 16-2-1987

Commissioner of Income-tax,
Cochin.

[C. No. 211/87-88/R]

C. KARTHIKEYAN NAIR,
Income-tax Officer (R).

का.प्र. 2995:—केन्द्रीय सरकार को राज्य में नकर अधिनियम, 1957 को धारा 42-क के अन्तर्गत निर्धारितियों के नाम और अन्य विनिर्दिष्टियों को प्रकाशित किया जाना लोकहित में आवश्यक और समीचीन है। अतः कोचिन आयकर प्रायुक्त प्रभार में वित्तीय वर्ष 1986-87 के दौरान 10 लाख रुपये से अधिक शुद्ध धन पर धनकर अधिनियम 1957 (1957 का 27) के अन्तर्गत कर निर्धारित किए गए निम्न-लिखित व्यष्टियों (पे.से. सूचित किया गया है) के नाम और अन्य विनिर्दिष्टियाँ जैसे (i) निर्धारण वर्ष (ii) विवरणी में दिखाया गया धन (iii) निर्धारित धन (iv) देय कर (iv) प्रयत्न कर (सभी एक रुपए) का प्रसार प्रकाशित किए जाने हैं।

व्यष्टि (I)

1. श्रीमती घालीस उम्मन, फोर्स एवार्ड ऐन्ड फिज्जोस (पी) लिमिटेड, कोचिन-3 (i) 1983-84 (ii) 9,77,400 (iii) 11,83,600 (iv) 19,258 (v) 19,258.

2. वही (i) 1984-85 (ii) 9,45,700 (iii) 12,23,800 (iv) 20,454 (v) 20,454.

3. श्री डो० बी० धनस्टीन, धावुवा (i) 1986-87 (ii) 12,32,227 (iii) 12,32,200 (iv) 6,073 (v) 6,073.

4. श्री एम० चाक्को पिल्ले, कोलचेरी (i) 1984-85 (ii) 14,53,000 (iii) 14,53,000 (iv) 27,342 (v) 27,342.

5. वही (i) 1985-86 (ii) 12,45,200 (iii) 13,30,800 (iv) 23,675 (v) 21,106.

6. वही (i) 1986-87 (ii) 12,16,100 (iii) 11,69,000 (iv) 5,447 (v) 5,911.

7. डॉ० कोमगरैल्ल ट्रस्ट (इयड्या) लि. कालिकट (i) 1985-86 (ii) 45,86,000 (iii) 45,86,000 (iv) 91,720 (v) 91,720

8. वही (i) 1986-87 (ii) 40,02,90 (iii) 40,02,900 (iv) 80,058 (v) 80,058

9. श्री के० जे० फास्सीस, प्रतिनिधि द्वारा, के० जे० जोस, फासन कार्मल्लस, तृणूर (i) 1982-83 (ii) 11,79,533 (iii) 10,75,000 (iv) 16,000 (v) 16,000

10. वही (i) 1983-84 (ii) 11,68,362 (iii) 10,28,800 (iv) 14,808 (v) 14,608.

11. श्री के.बी. गोपाल अय्यर, कोडितिरप्पल्ली, पालक्काट (i) 1983-84 (ii) 15,34,000 (iii) 15,34,000 (iv) 30,448 (v) 30,448.

12. श्री सी०बी० जेकर, नेळुपायम, कडयिरुप्पु (i) 1986-87 (ii) 20,02,100 (iii) 20,18,320 (iv) 14,114 (v) 13,772

13. श्री जोयोपी० जेकर, कोलचेरी (i) 1986-87 (ii) 19,98,770 (iii) 27,06,860 (iv) 14,148 (v) शून्य.

14. श्री एस०एस० कोडर, मैसर्स एस कोडर, कोचिन-1 (i) 1983-84 (ii) 12,89,700 (iii) 12,89,700 (iv) 22,441 (v) 22,441

15. श्री के० कुरियाकोस, पेरुंबावूर (i) 1982-83 (ii) 3,43,023 (iii) 16,89,950 (iv) 38,238 (v) 2,160.

16. श्री ए०एस० लक्ष्मणन, वेस्ट कोस्ट वीथिंग एस्टाब्लिशमेंट बीवा (पि. थो) कण्णूर (i) 1984-85 (ii) 17,46,200 (iii) 18,15,400 (iv) 42,400 (v) 42,400.

17. श्री सी०जे० मार्यू, मैसर्स पील ऐन्ड मार्यू, तृणूर (i) 1985-86 (ii) 9,20,630 (iii) 10,53,300 (iv) 15,349 (v) 15,349.

18. स्व. श्री. के०ए० मार्यू, तात्तोलील, नोर्थ परबूर (i) 1978-79 (ii) 11,51,500 (iii) 11,51,500 (iv) 17,537 (v) 17,537

19. वही (i) 1979-80 (ii) 15,20,400 (iii) 5,20,40 (iv) 26,915 (v) 26,915.

20. वही (i) 1980-81 (ii) 15,06,500 (iii) 15,06,500 (iv) 29,000 (v) 29,000.

21. वही (i) 1981-82 (ii) 15,36,000 (iii) 15,36,000 (iv) 27,676 (v) 27,676.

22. वही (i) 1982-83 (ii) 15,29,200 (iii) 15,29,200 (iv) 29,275 (v) 29,275.

23. वही (i) 1983-84 (ii) 13,07,700 (iii) 13,07,700 (iv) 22,888 (v) 22,888.

24. वही (i) 1984-85 (ii) 12,31,000 (iii) 12,31,000 (iv) 20,686 (v) 20,686.

25. वही (i) 1935-36 (ii) 10,80,800
iii) 10,50,800 (iv) 18,280 (v) 15,260.

26. श्री के.पी. मोहम्मदाली हाजी के.पी.एम. ट्रस्ट होम
वेल्लसमरण (i) 1983-84 (ii) 8,65,830 (iii) 10,29,000
(iv) 14,619 (v) 11,061.

27. श्री सी.एन. नम्बूतिरी, सोवपुष (i) 1985-86 (ii) 8,90,300
(iii) 10,83,900 (iv) 16,204 (v) 16,204.

28. वही (i) 1986-87 (ii) 9,25,900 (iii) 10,01,300
(iv) 4,275 (v) 4,257

29. श्रीमती निरंजना बेन काकुबाई, मैसर्स कृष्ण एण्ड कंपनी, कोच्चि
(i) 1986-87 (ii) 10,41,400 (iii) 10,41,400 (iv) 4,164
(v) 3,714.

30. श्री पी.एम. पेल्लो पिल्ले, कोलचरी (i) 1984-85
(ii) 15,41,900 (iii) 15,41,900 (iv) 16,683 (v) 19,660

31. वही (i) 1985-86 (ii) 13,82,200
(iii) 16,74,900 (iv) 3,74,900 (v) 25,280.

32. श्री. के. पी. पीलोप, वेंस्टेन जिट्टीस बिल्डिंग, एरणाकुलम
(i) 1982-83 (ii) 12,58,400 (iii) 15,45,400
(iv) 36,019 (v) 25,000.

33. श्री पोन्नल्लोप्पल माहम्मद हाजी, मन्नापो कन्नूर जिला
(i) 1984-85 (ii) 10,90,500 (iii) 10,90,500 (iv) 16,465
(v) 16,465

34. श्री मणि एलूर, कोलचरी (i) 1985-86 (ii) 28,51,430
(iii) 29,01,200 (iv) 98,810 (v) 86,334.

35. वही (i) 1986-87 (ii) 31,41,300
(iii) 36,16,700 (iv) 44,084 (v) 42,579.

36. श्री गोकुल अहम्मद हाजी, नालकट हाउस, मन्नारकट
(i) 1985-86 (ii) 11,45,200 (iii) 11,57,000 (iv) 18,460
(v) 17,433.

37. वही (i) 1986-87 (ii) 15,41,800
(iii) 16,00,000 (iv) 9,750 (v) 9,078.

38. श्री बी. सी. वही धर्माली (i) (1983-84
(ii) 1,62,600 (iii) 10,86,260 (iv) 16,337 (v) 810.

39. वही (i) 1984-85 (ii) 1,63,300
(iii) 10,86,900 (iv) 16,358 (v) 813.

40. वही (i) 1985-86 (ii) 4,63,800 (iii) 10,87,400
(iv) 16,372 (v) 3,354.

हस्ताक्षर

एरणाकुलम,

दिनांक 16-9-1987

एम. जे. मात्तन,

कोच्चिन घनकर, आयुक्त

जी. कासिकेयन नायर,

आयकर अधिकारी (आर.)

S.O.2995—Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to publish under section 42-A of the Wealth Tax Act, 1957, the names and their particulars relating to the following individual (indicated by 'I') who have been assessed under the Wealth-Tax Act,

1957 (27 of 1967) on net wealth exceeding Rs. 10 lakhs, in the charge of the Commissioner of Wealth-tax, Cochin, during the financial year 1986-87, such particulars like (i) Assessment year (ii) Wealth returned (iii) Wealth assessed (iv) Tax payable (v) Tax paid (all amounts in rupees) are hereby published.

Individuals (I).

1. Smt. Alice Oommen, Forbes Wart and Figgis (P) Limited Cochin-3 (i) 1983-84 (ii) 9,77,400 (iii) 11,83,600 (iv) 19,258 (v) 19,258.

2. —do— (i) 1984-85 (ii) 9,45,700 (iii) 12,23,800 (iv) 20,454 (v) 20,454.

3. Sri. T.V. Augustin, Alwaye. (i) 1986-87 (ii) 12,32,227 (iii) 12,32,200 (iv) 6,073 (v) 6,073.

4. Sri. M. Chacko Pillai, Kolencherry (i) 1984-85 (ii) 14,53,000 (iii) 14,53,000 (iv) 27,342 (v) 27,342.

5. —do— (i) 1985-86 (ii) 12,45,200 (iii) 13,30,800 (iv) 23,675 (v) 21,106.

6. —do— (i) 1986-87 (ii) 12,16,100 (iii) 11,69,000 (iv) 5,447 (v) 5,991.

7. The Commonwealth Trust (India) Ltd., Calcut. (i) 1985-86 (ii) 45,86,000 (iii) 45,86,000 (iv) 91,720 (v) 91,720.

8. —do— (i) 1986-87 (ii) 40,02,900 (iii) 40,02,900 (iv) 80,058 (v) 80,058.

9. Sri. K.J. Francis, Rep. by K.J. Jose, Fashion Fabrics, Trichur (i) 1982-84 (ii) 11,79,533 (iii) 10,75,000 (iv) 16,000 (v) 16,000

10. —do— (i) 1983-84 (ii) 11,68,362 (iii) 10,28,600 (iv) 14,608 (v) 14,608.

11. Sri. K.V. Gopala Iyer, Kodunthirappally, Palghat, (i) 1983-86 (ii) 15,34,000 (iii) 15,34,000 (iv) 30,448 (v) 30,448.

12. Sri. C.V. Jacob, Mechupadam, Kadayirppu (i) 1986-87 (ii) 20,02,100 (iii) 20,18,320 (iv) 14,114 (v) 13,772.

13. Sri. Joy. P. Jacob, Kolencherry (i) 1986-87 (ii) 19,98,770 (iii) 27,06,860 (iv) 14,148 (v) NIL.

14. Sr. S.S. Koder, M/s. S. Koder, Cochin-1 (i) 1983-84 (ii) 12,89,700 (iii) 12,89,700 (iv) 22,441 (v) 22,441.

15. Sri. K. Kuriakose, Perumbavoor (i) 1982-83 (ii) 3,43,023 (iii) 15,89,950 (iv) 38,238 (v) 2,160.

16. Sri. P. M. Lakshmanan, West Coast Weaving Establishment, Chovva (P.O.), Cannanore (i) 1984-85 (ii) 17,46,800 (iii) 18,15,400 (iv) 42,400 (v) 42,400.

17. Sri. C.J. Mathew, M/s. Paul & Mathew, Trichur (i) 1985-86 (ii) 9,20,620 (iii) 10,53,200 (iv) 15,349 (v) 15,349

18. Late Sri. K.I. Mathew, Thatholil, N. Parur. (i) 1978-79 (ii) 11,51,500 (iii) 11,51,500 (iv) 17,537 (v) 17,537.

19. —do— (i) 1979-80 (ii) 15,20,400 (iii) 15,20,400 (iv) 26,915 (v) 26,915.

20. —do— (i) 1980-81 (ii) 15,06,500 (iii) 15,06,500 (iv) 29,000 (v) 29,000

21. —do— (i) 1981-82 (ii) 15,36,000 (iii) 15,36,000 (iv) 27,676 (v) 27,676.

22. —do— (i) 1982-83 (ii) 15,29,200 (iii) 15,29,200 (iv) 29,275 (v) 29,275.

23. —do— (i) 1983-84 (ii) 13,07,700 (iii) 13,07,700 (iv) 22,888 (v) 22,888.

24. —do— (i) 1984-85 (ii) 12,31,000 (iii) 12,31,000 (iv) 20,686 (v) 20,686.

25. —do— (i) 1985-86 (ii) 10,50,800 (iii) 10,50,800 (iv) 15,280 (v) 15,280.

26. Sr. K.P. Mohammedali Haji, K.P.M. Tourist Home Perintalmanna (i) 1983-84 (ii) 8,65,530 (iii) 10,29,000 (iv) 14,619 (v) 11,061.

27. Sri. C.N. Namboodiri, Thodupuzha (i) 1985-86 (ii) 8,90,300 (iii) 10,81,900 (iv) 16,204 (v) 16,204.

28. —do— (i) 1986-87 (ii) 9,25,600 (iii) 10,01,300 (iv) 4,257 (v) 4,257.

29. Smt. Nirmalaben Kakubai, M/s. Krishnan & Co. Cochin (i) 1986-87 (ii) 10,41,400 (iii) 10,41,400 (iv) 4,164 (v) 3,714.

30. Sri P.M. Paily Pillai, Kolencherry (i) 1984-85, (ii) 15,41,900 (iii) 15,41,900 (iv) 16,383 (v) 19,660

31. —do— (i) 1985-86 (ii) 13,85,200 (iii) 16,74,900 (iv) 3,74,900 (v) 25,280.

32. Sr. K.P. Poulouse, Western Chitties Buildings, Ernakulam (i) 198-83 (ii) 12,56,400 (iii) 15,45,400 (iv) 36,019 (v) 25,000.

33. Sri. Ponvalappil Mohammed Haji, P.O. Madai, Cannanore Dist. (i) 1984-85 (ii) 10,90,500 (iii) 10,90,500 (iv) 16,465 (v) 16,465.

34. Sri. Sasi Eloor, Kolencherry (i) 1985-86 (ii) 28,51,430 (iii) 29,01,200 (iv) 98,810 (v) 86,333.

35. —do— (i) 1986-87 (ii) 31,41,300 (iii) 35,16,700 (iv) 44,084 (v) 42,579.

36. Sri. Shaik Ahamed Haji, Nalakath House, Mannarghat, P.O. Kodakkad (i) 1985-86 (ii) 11,45,200 (iii) 11,57,000 (iv) 18,460 (v) 17,433.

37. —do— (i) 1986-87 (ii) 15,41,800 (iii) 16,00,000 (iv) 9,750 (v) 9,078.

38. Sri V.C. Varkey, Angamaly (i) 1983-84 (ii) 1,62,600 (iii) 10,86,260 (iv) 16,386 (v) 810.

39. —do— (i) 1984-85 (ii) 1,63,300 (iii) 10,86,900 (iv) 16,358 (v) 813.

87/1383 GI—4.

40. —do— (i) 1985-86 (ii) 5,63,800 (iii) 10,87,400 (iv) 16,372 (v) 3,354.

Sd/-

Ernakulam.

M.J. MATHAN,

Dated 16-9-1987

Commissioner of Wealth-tax,

Cochin.

C. KARTHIKEYAN NAIK, Income-tax Officer (R)

वाणिज्य मंत्रालय

नई दिल्ली, 20 अक्टूबर, 1987

का. घा. 2996.—काफी अधिनियम, (1942 का VII) की धारा (4) की उपधारा (2) के खण्ड (ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार काफी बोर्ड के वर्तमान वित्त निदेशक श्री के. सुन्दराजन, आई. बी. ए. एम. को 20 अक्टूबर 1987 से आगामी आदेश होने तक उनके कार्यभार के अतिरिक्त काफी बोर्ड के अध्यक्ष पद का अतिरिक्त कार्यभार संभालने के लिए नियुक्त करती है।

[फा. सं. (1) 12/87-प्लांट (बी)]

अशोक कुमार, उप सचिव

MINISTRY OF COMMERCE

New Delhi, the 20th October, 1987

S.O. 2996.—In exercise of the powers conferred by clause (a) of sub-section (2) of section (4) of the Coffee Act VII of 1942), the Central Government hereby appoints Shri K. Sundarajan, IDAS, presently Director of Finance, Coffee Board to hold the additional charge of the post of Chairman, Coffee Board in addition to his own duties, on ad-hoc basis with effect from 20th October, 1987 until further orders.

[F. No. 1(12)/87-Plants 'B']

ASHOK KUMAR, Dy. Secy.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

नई दिल्ली, 23 नवम्बर, 1987

आदेश

का.जा. 2997 मसर्स जोस्तस इंजीनियरिंग कम्पनी लिमिटेड, 80 करोड़गाह भेटन रोड, बम्बई-400001 को आयात-निर्यात नीति खण्ड-1 (1985-88) के पैरा 114(1) के अन्तर्गत स्टॉक एवं बिक्री के लिए आयात करने के हेतु 18,69,599 रुपये (केवल अठ्ठाई लाख अश्वत्तर हजार पांच सौ निम्नान्वे रुपए) का आयात लाइसेंस [सं. पी/एफ/0492791, दिनांक 28-4-1986] दिया गया था।

2 अब पार्टी ने इस आधार पर कि मूल लाइसेंस सीमा शुल्क सदन में उसके क्लियरिंग एजेंट्स मैसर्स एम डी. सहरानी द्वारा खो गया है, उपरोक्त लाइसेंस की अनलिपि प्रति जारी करने के लिए आदेशन किया है। अपने तर्कों के समर्थन में उन्होंने आयात एवं निर्यात प्रक्रिया पुस्तक 1985-88 के अध्याय-2 के पैरा 86 के अन्तर्गत अपेक्षित एक गणपथ-पत्र दाखिल किया है अनलिपि लाइसेंस- 18,61,114 रु. (केवल अठ्ठाई लाख अश्वत्तर हजार एक सौ चौदह रुपए) के लिए, आदेश। पार्टी इस बात से सहमत है तथा उसने वचन दिया है कि यदि बाद में मूल लाइसेंस मिल जाता है तो वे उसे इस कार्यालय का लौटा देंगे।

3. मैं संतुष्ट हूँ कि मूल लाइसेंस सं. पी/एफ/0492791 दिनांक 28-4-86 सीमाशुल्क सदन में खो गया है। यथा संशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-55 की उपधारा 9(क) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा आयात लाइसेंस सं. पी/एफ/0492791 दिनांक 28-4-86 को रद्द करता हूँ। 18-61, 114/- रुपये की अनुपयोजित राशि के एतद्वारा रद्द मूल लाइसेंस के बदले में पार्टी को अलग से एक अनुलिपि लाइसेंस जारी किया जा रहा है।

[सं. 2/जे. स्वेयर्स-ए.एस. 85/ए.एस./एस/479]

(Office of the Chief Controller of Imports & Exports)

New Delhi, the 23rd September 1987

ORDER

S.S. 2997.—M/s. Joshi's Engineering Company Ltd., 60 Phirozeshah Mehta Road, Bombay-400001 were granted an Import Licence No. P/F/0492791 dated 28-4-1986 for 18,69,599/- (Rupees Eighteen Lakhs sixty nine thousand and ninety nine only) for import of spares for stock and sale under para 11(1) of Import and Exports Policy Vol. I (1985-88).

2. The party has now applied for issue of a duplicate copy of the above-mentioned licence on the ground that the original licence has been lost by their clearing agents M/s. M. D. Sadrani at Custom House. In support of their contention they have executed an affidavit as required under para 86 of Chapter-II of Handbook of Import & Export Procedures 1985-88. The duplicate licence is required for Rs. 18,61,114/- (Rupees Eighteen lakhs sixty one thousand one hundred and fourteen only). The party have agreed and undertaken to return the original licence, if traced later, to this Office.

3. I am satisfied that the Original licence No. P/F/0492791 dated 28-4-86 has been lost at the Customs House. In exercise of the powers conferred under sub-clause 9(c) of Import Control Order, 1955 dated 7-12-55 as amended, I hereby cancel the Import Licence No. P/F/0492791 dated 28-4-86. A duplicate licence is being issued to the party in lieu of the original licence cancelled hereby for the unutilised amount of Rs. 18,61,114.

[No. 2-J|Spares|AM-88|ALS]

नई दिल्ली, 9 अक्टूबर, 1987

का.आ. 2998.—श्री संतलाल सरगोधा गोप फैक्टरी, अमरोहा गेट मोरदाबाद को आईसुज जैमिनी कार के आयात के लिए 65,000/- रु. (पैंसठ हजार रुपए मात्र) का एक आयात लाइसेंस सं. पी/एफ/0492680, दिनांक 25-2-1986 जारी किया गया था। लाइसेंसी ने उक्त आयात लाइसेंस प्रति की अनुलिपि प्रति जारी करने के लिए हम जाहिर पर आवेदन किया है कि मूल आयात लाइसेंस खो अथवा स्थानस्थ हो गया है। आगे यह भी कहा गया है कि मूल लाइसेंस का पंजीकरण किसी भी सीमा शुल्क प्राधिकारी के पास नहीं किया गया था और इस तरह से आयात लाइसेंस के मूल्य का उपयोग बिल्कुल नहीं किया गया है।

2. अपने तर्कों के समर्थन में लाइसेंस धारक ने उचित न्यायिक प्राधिकारी के सम्मुख विधिवत गणप नकार एक शपथपत्र दायित्व किया है। मैं, तदनुसार, संतुष्ट हूँ कि आयात लाइसेंस सं. पी/एफ/0492680, दिनांक 25-2-1986 की मूल प्रति लाइसेंसधारक में खो गई है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9(गण) के अन्तर्गत प्रदर्श अधिकारों का प्रयोग करते हुए श्री संतलाल, मोरदाबाद को जारी मूल आयात लाइसेंस प्रति सं. पी/एफ/0492680, दिनांक 25-2-1986 को एतद्वारा रद्द किया जाता है।

3. पार्टी को उक्त आयात लाइसेंस की अनुलिपि प्रति को अलग से जारी किया जा रहा है।

[का. सं. एफ-81/84-85/थीएलएस/1286]

एन.एस. कृष्णमूर्ति, उपायुक्त निरीक्षक, आयात एवं निर्यात
उप निरीक्षक, आयात एवं निर्यात

New Delhi, the 9th October, 1987

S.O. 2998.—Shri Sant Lal Sargodha Soap Factory Amroha Gate, Moradabad were granted a Import Licence No. P/F/0492680 dated 25-2-1986 for Rs. 65,000/- only for import of Isuzu Gemini Car. The Licensee has applied for issue of Duplicate copy of the above mentioned Import Licence on the ground that the original Import Licence has been misplaced/lost. It has further been stated that the original Import Licence was not registered with any Customs Authority and as such the value of the Import Licence has not been utilised at all.

2. In support of his contention, the licensee has filed an affidavit duly sworn before appropriate judicial authority. I am accordingly satisfied that the original Import Licence No. P/F/0492680 dated 25-2-1986 has been lost by the applicant. In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended from time to time, the said original Import Licence No. P/F/0492680 dated 25-2-1986 issued to Shri Sant Lal, Moradabad is hereby cancelled.

3. A duplicate copy of the Import Licence is being issued to the party separately.

[File No. F-81|84-85|BLS|1286]

N. S. KRISHNAMURTHY, Dy. Chief Controller of Imports & Exports for Chief Controller of Imports & Exports

नई दिल्ली, 19 अक्टूबर, 1987

प्रादेश

का.आ. 2999.—मैसर्स रेवगो मेटल, इन्डस्ट्रीज जी 77, सेक्टर 5 नोएडा कम्प्लेक्स जिला गाजियाबाद (उ. प्र.) ने मुख्यालय की अनुपूरक लाइसेंसिंग समिति के निर्णय अनुसार सभी सेकेंड्स/मैकेन्ड ग्रेड्स/ डिफेक्टिव्स/ कटिंग्स/शीट्स/ स्क्रॉल्स किसी भी आकार में स्ट्रिप्स/ सैक्शन कोटिंग्स/अन कोटेड मात्रा 50 मी. टन 2,05,000/ रु. कीमत का तथा 50 मी. टन मात्रा के टिन प्लेट वेस्ट, 0.25 मी. मी. तथा उससे कम मोटाई के वेस्ट लेकिन मिल ऐक्सेस तथा प्रोवर रन को छाड़कर, के आयात के लिए हम कार्यालय से 2,30,000/ रु. का एक 4,35,000/रुपये का अनुपूरक आयात लाइसेंस सं. पी/एस. 2000227, दिनांक 16-9-1987 प्राप्त किया था।

2 मेरे नोटिस में यह प्राया है कि पार्टी ने यह आयात लाइसेंस खोये तथा तथ्यों/सूचना के मिथ्या निरूपण से प्राप्त किया है चूंकि कम्पनी के आवेदन-पत्र की प्रायोजक प्राधिकारी ने सिफारिश नहीं की थी।

3. मैं संतुष्ट हूँ कि मूल लाइसेंस दिनांक 16-9-87 उस प्रयोजन को पूरा नहीं करेगा जिसके लिए यह जारी किया गया था। यथा संशोधित आयात नियंत्रण आदेश 1955 दिनांक 7-12-1955 की उपधारा 9(क) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए आयात लाइसेंस सं. पी. /एस. 2000227, दिनांक 16-9-1987 को मैं एतद्वारा रद्द करता हूँ।

[का. सं. मपनिदेन्डी/एस-4/605/एस० एस. एस. आई/ए. एस. 88/एस.एल.एस./1128]

New Delhi, the 19th October, 1987

ORDER

S.O. 2999.—M/s. Rabco Metal Industries, G-77, Sector V. Nidada Complex, Distt. Ghaziabad (U.P.) have obtained Supplementary Import Licence No. P/S/2000227 dated 16-9-87 for Rs. 4,35,000 from this Office for import of All Seconds/Second Grades/Defectives/Cuttings/Sheets/Coils/ Strips in any shape/Section Coated/Uncoated. Quantity 50 MT for Rs. 2,05,000 and Tin Plate Waste of thickness

0.25 mm and below but excluding mill excess and over runs. Quantity 50 MT for Rs. 2,30,000 as per decision of Head Quarter Supplementary Licensing Committee.

2. It has come to my notice that the party has obtained this Import Licence by fraud and mis-representation of facts/information because the application of the company was not recommended by the Sponsoring Authority.

3. I am satisfied that the original licence dated 16-9-87 will not serve the purpose for which the same was granted. In exercise of the powers conferred under sub-clause 9(a) of Import Control Order 1955 dated 7-12-55 as amended, I hereby cancel the Import Licence No. P/S/2000227 dated 16-9-1987.

[File No. Suppl/S/4/605/SSI/AM.88/SLS/1128]

आदेश

का.आ. 3000.—मै. स्कैण्डेनवियन स्टील्स एण्ड इंजीनियरिंग कम्पनी, सी-7, सेक्टर 9, नोयडा कॉम्प्लेक्स, जिला: गाजियाबाद (उ.प्र.) ने मुख्यतः अपने अनुपूरक लाइसेंसिंग समिति के निर्णयानुसार इस कार्यालय से मिल एक्सीम एवं प्रोवरटन मात्रा 50 मी.ट. को सम्मिलित न करने हुए 2,05,000 रु. के सभी सेकण्ड्स/सेक्शंस ग्रेड्स/डिफेक्टिव्स/कटिंग्स/शीट्स/कोइल्स/स्ट्रिप्स को आकार में स्ट्रिप्स/सेक्शन कोटिड/अनकोटिड मात्रा 50 मी.ट. और 2,30,00 रु. के 0.25 मि.मि. और कम की मोटाई के टिन प्लेट वेस्ट के आयात के लिए 4,35,000/- रु. का अनुपूरक आयात लाइसेंस संख्या पी/एस/2000228 दिनांक 16-9-87 प्राप्त किया है।

2. यह मेरे ध्यान में आया है कि पार्टी ने यह आयात लाइसेंस छोड़ा और तथ्यों/सूचना के विपरीत रूप से प्राप्त किया है क्योंकि कम्पनी के आवेदन को प्रायोजित प्राधिकारी द्वारा सिफारिश नहीं की गई थी।

3. मैं संतुष्ट हूँ कि दिनांक 16-9-87 का मूल ला. सैन जिस प्रायोजन के लिए दिया गया था वह सिद्ध नहीं होगा। यथासंशोधित आयात निष्पन्न आदेश 1955 दिनांक 7-12-55 के उपखण्ड 9(क) के अंतर्गत प्रथम अधिकारियों का प्रयोग करते हुए मैं एन.ए. द्वारा आयात लाइसेंस सं. पी/एस/2000228 दिनांक 16-9-87 रद्द करता हूँ।

[का. सं. सली./एस. 4/606/एस.एस.आई./88/एस एस एस/1129]

पाउल बेक, उप मुख्य नियंत्रक, आयात-निर्यात

ORDER

S.O. 3000.—M/s. Soandanavian Steels and Engineering Co. C-7, Sector IX, Noida Complex, Distt. Ghaziabad (U.P.) have obtained supplementary Import Licence No. P/S/2000228 dated 16-9-87 for Rs. 4,35,000 from this Office for Import all seconds/section Grades/Defectives/Cuttings Sheets/Coils/Strips in any Shape/Section Coated/Uncoated quantity 50 MT for Rs. 2,50,000 and Tin Plate Waste of thickness 0.25 MM and below but excluding mill excess and over runs Qt. 50 MTs. for Rs. 2,30,000 as per decision of Head Quarter Supplementary Licensing Committee.

2. It has come to my notice that the party has obtained this Import Licence by fraud and mis-representation of facts/information because the application of the company was not recommended by the Sponsoring Authority.

3. I am satisfied that the original licence dated 16-9-87 will not serve the purpose for which the same was granted. In exercise of the powers conferred under sub-clause 9(a) of Import Control Order, 1955 dated 7-12-55 as amended, I hereby cancel the Import Licence No. P/S.000228 dated 16-9-1987.

[File No. Suppl./S-4/606/SSI/AM.8/SLS/1129]

PAUL BECK, Dy. Chief Controller of Imports & Exports.

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 12 अक्टूबर, 1987

का.आ. 3001.—एक अधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसार, केन्द्रीय सरकार एन.ए. द्वारा मैक्स बिन्नी लिमिटेड जिसका पंजीकृत कार्यालय 65, आर्मेनियन स्ट्रीट पी.ओ. बॉक्स नं. 66 मद्रास-600001 में है के पंजीकरण (पंजीकरण संख्या 591/70) के निरस्तकरण का अवसूचित करता है। उक्त उपक्रम उक्त उपक्रमों में से है जिन पर उक्त अधिनियम के भाग क अध्याय III के उपखण्ड का लागू नहीं होते।

[नं. 16/12/86--एम-III]

एल.सी. गोयल, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 12th October, 1987

S.O. 3001.—In pursuance of Sub-Section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Binny Limited having registered office at 65, Armenian Street, P.O. Box No. 66, Madras-600001, the said undertakings being undertakings to which the provisions of Part A Chapter III of the said Act no longer apply, (Registration No. 591/70).

[No. 16/12/86-M. III]

L. C. GOYAL, Under Secy.

(औद्योगिक विकास विभाग)

नई दिल्ली, 16 अक्टूबर, 1987

आदेश

का.आ. 3002.—संशोधन, केन्द्रीय निवेश सेवा (कार्यक्रम, निवेश और प्रति) विभाग, 1985 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, निदेश देते हैं कि—

(1) इन आदेशों की अनुसूची के भाग 1 के स्तम्भ (1) में विनिर्दिष्ट माध्याम केन्द्रीय सेवा, समूह 'ख' में के पदों के संबंध में, स्तम्भ (2) में विनिर्दिष्ट प्राधिकारी नियुक्त प्राधिकारी होगा और स्तम्भ (3) में विनिर्दिष्ट प्राधिकारी उनके स्तम्भ (4) में विनिर्दिष्ट शास्त्रियों के संबंध में अनुशासन प्राधिकारी होगा। इन शास्त्रियों के संबंध में अपील प्राधिकारी उनके स्तम्भ (5) में विनिर्दिष्ट किया गया है।

(2) उक्त अनुसूची के भाग 2 और भाग 3 के स्तम्भ (1) में विनिर्दिष्ट माध्याम केन्द्रीय सेवा समूह "ग" और माध्याम केन्द्रीय सेवा समूह "ब" में के पदों के संबंध में स्तम्भ (2) में विनिर्दिष्ट प्राधिकारी नियुक्त प्राधिकारी होंगे और उनके स्तम्भ (4) में विनिर्दिष्ट शास्त्रियों के संबंध में स्तम्भ (3) और स्तम्भ (5) में विनिर्दिष्ट अपील प्राधिकारी होगा। अनुशासन प्राधिकारी और अपील प्राधिकारी होंगे।

अनुसूची				
भाग-1 साधारण केन्द्रीय सेवा समूह "ब"				
पदों का वर्णन	नियुक्ति प्राधिकारी	शास्त्रियों अधिरोपित करने के लिए सक्षम प्राधिकारी	शास्त्रियों, जो बहु अधिरोपित कर सकेगा (नियम में मद संख्या के प्रतिनिर्देश से)	अपील प्राधिकारी

(1)	(2)	(3)	(4)	(5)
(1) वे सभी पद जिनके वेतन या वेतनमान का अधिकतम 2900 रुपए से कम नहीं है किन्तु 4000 रुपए से कम है।	अध्यक्ष औद्योगिक लागत और कीमत ब्यूरो।	अध्यक्ष औद्योगिक लागत और कीमत ब्यूरो।	सभी (i) से (iv) तक और कीमत ब्यूरो।	भारत के राष्ट्रपति
(2) कमिष्ठ प्रोफेसर 1640-2900 रु०	सचिव, औद्योगिक लागत और कीमत ब्यूरो	सचिव, औद्योगिक लागत और कीमत ब्यूरो	(i) से (iv) तक और कीमत ब्यूरो	अध्यक्ष, औद्योगिक लागत और कीमत ब्यूरो

भाग-2 साधारण केन्द्रीय सेवा समूह "ग"

पदों का वर्णन	नियुक्ति प्राधिकारी	शास्त्रियों अधिरोपित करने के लिए सक्षम प्राधिकारी	शास्त्रियों, जो बहु अधिरोपित कर सकेगा (नियम में मद संख्या के प्रतिनिर्देश से)	अपील प्राधिकारी
(1)	(2)	(3)	(4)	(5)
वे सभी पद जिनके वेतन या वेतनमान	सचिव, औद्योगिक लागत और कीमत ब्यूरो	सचिव, औद्योगिक लागत और कीमत ब्यूरो	सभी	अध्यक्ष, औद्योगिक लागत और कीमत ब्यूरो

(1)	(2)	(3)	(4)	(5)
का अधिकतम 1150 रुपए से अधिक है किन्तु 2900 रुपए से कम है।				

भाग-3 साधारण केन्द्रीय सेवा समूह "घ"

पद का वर्णन	नियुक्ति प्राधिकारी	शास्त्रियों अधिरोपित करने के लिए सक्षम प्राधिकारी	शास्त्रियों, जो बहु अधिरोपित कर सकेगा (नियम 2 में के मद संख्या के प्रतिनिर्देश से)	अपील प्राधिकारी
(1)	(2)	(3)	(4)	(5)
वे सभी पद, जिनके वेतन या वेतनमान का अधिकतम 1150 रुपए या उससे कम है।	सचिव, औद्योगिक लागत और कीमत ब्यूरो	सचिव, औद्योगिक लागत और कीमत ब्यूरो	सभी	अध्यक्ष, औद्योगिक लागत और कीमत ब्यूरो

[सं. 3(5)/87-वि]

गायत्री रामचन्द्रम, निदेशक

(Department of Industrial Development)

New Delhi, the 16th October, 1987

ORDER

S.O. 3002.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that—

(1) In respect of posts in general Central Service, Group B specified in column (1) of Part I of the Schedule to this Order, the authority specified in column (2) shall be the appointing authority and the authority specified in column (3) shall be the disciplinary authority in regard to the penalties specified in column (4) thereof. The Appellate Authority in respect of these penalties have been specified in column (5) thereof.

(2) In respect of posts in the General Central Service Group C and the General Central Service Group D specified in column (1) of Parts II and III of the said Schedule, the authorities specified in column (2) shall be the appointing authority and the authorities specified in columns (3) and (5) shall be disciplinary authority and the appellate authority respectively in regard to the penalties specified in column (4) thereof.

SCHEDULE

PART-I GENERAL CENTRAL SERVICE GROUP 'B'

Description of the posts	Appointing Authority	Authority competent to impose penalties	Penalties which it may impose (with reference to item number in Rule)	Appellate Authority
(1)	(2)	(3)	(4)	(5)
1. All posts carrying a pay or scale of pay with a maximum of not less than Rs. 2900/- but less than Rs. 4000/-	Chairman Bureau of Industrial Costs and Prices.	Chairman Bureau of Industrial Costs and Prices.	All	President of India
2. Junior Programmer Rs. 1640-2900	Secretary Bureau of Industrial Costs and Prices.	Secretary, Bureau of Industrial Costs and Prices. Chairman Bureau of Industrial Costs and Prices.	(i) to (iv) All	Chairman Bureau of Industrial Costs and Prices. President of India

PART-II GENERAL CENTRAL SERVICE GROUP 'C'

Description of the posts	Appointing Authority	Authority competent to impose penalties	Penalties which it may impose (with reference to item number in Rule)	Appellate Authority
(1)	(2)	(3)	(4)	(5)
All posts carrying a pay or a scale of pay with maximum of over Rs. 1150/- but less than Rs. 2900/-.	Secretary, Bureau of Industrial Costs and Prices.	Secretary, Bureau of Industrial Costs and Prices.	All	Chairman Bureau of Industrial Costs and Prices.

PART-III GENERAL CENTRAL SERVICE GROUP 'D'

Description of post	Appointing Authority	Authority competent to impose penalties	Penalties which it may impose (with reference to item number in Rule II)	Appellate Authority
(1)	(2)	(3)	(4)	(5)
All posts carrying a pay or a scale of pay (the maximum of which is Rs. 1150/- or less.	Secretary, Bureau of Industrial Costs and Prices.	Secretary, Bureau of Industrial Costs and Prices.	All	Chairman, Bureau of Industrial Costs and Prices.

[No. 3(5)/87-Vig.]

GAYATHRI RAMACHANDRAN, Director

साद्य और नागरिक प्रति मंत्रालय

(नागरिक प्रति विभाग)




भारतीय मानक ब्यूरो

नई दिल्ली, 25 सितम्बर, 1987

का० आ० 3003.--भारतीय मानक संस्था (प्रमाणन मुहर) विनियम, 1955 के नियम 4 के उप नियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जो मानक मुहर उनके डिजाइन, शारीरिक विवरण तथा तत्संबंधी भारतीय मानक के शारीरिक गतिविधि नीति अनुसूची में दी गई है, वे निर्धारित कर दी गई हैं।

भारतीय मानक संस्था (प्रमाणन मुहर) अधिनियम, 1952 और इसके अर्वाहने बने नियमों तथा विनियमों के उद्देश्य के लिए ये मानक मुहर प्रत्येक के आगे दी गई तारीखों से लागू होंगे:—

अनुसूची

क्रम संख्या	मानक मुहर का विज्ञापन	उत्पाद/उत्पाद की श्रेणी	संबंधित भारतीय मानक की संख्या व शीर्षक	मानक मुहर के विज्ञापन का शाश्वत धारण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.		वनस्पति और खाद्य तेलों के लिए 15 किग्रा के चौकोर टिन	IS: 10325-1982 वनस्पति और खाद्य तेलों के लिए 15 किग्रा के चौकोर टिनों की विनिर्दिष्ट	"ISI" अक्षरों वाला भारतीय मानक संस्था का मोनोग्राम जो स्तम्भ (2) में दिखाई गई निश्चित सीली और परस्पर सम्बद्ध अनुपात में बनाया गया हो, विज्ञापन में निवेश के अनुसार मोनोग्राम के ऊपर 'केवल टिन' शब्द तथा मोनोग्राम के नीचे भारतीय मानक की संख्या अंकित हो।	1984-04-16
2.		इस्योत संयंत्रों में प्रयुक्त सुरक्षा जूते, श्रेणी 1 व 2	IS: 10348-1982 इस्योत संयंत्रों में प्रयुक्त सुरक्षा जूतों की विनिर्दिष्ट	"ISI" अक्षरों वाला भारतीय मानक संस्था का मोनोग्राम जो स्तम्भ (2) में दिखाई गई निश्चित सीली और परस्पर सम्बद्ध अनुपात में बनाया गया हो, विज्ञापन में निवेश के अनुसार मोनोग्राम के ऊपर संबंधित मानक की संख्या तथा मोनोग्राम के नीचे सम्बद्ध टाइटल नाम अंकित हो।	1985-10-01
3.					

[सं. सी०एम०डी०/13:9]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)


BUREAU OF INDIAN STANDARDS



New Delhi, the 25th September, 1987

S.O. 3003.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby, notifies that the Standards Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark	Date of Effect
1	2	3	4	5	6
1.		15 kg square tins for vanaspati and edible oils	IS : 10325—1982 Specification for 15 kg square tins for vanaspati and edible oils	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the words 'TIN ONLY' being superscribed on the top side and the number of the Indian Standard being subscribed under the bottom side of the monogram as indicated in the design.	1984-04-16

1	2	3	4	5	6
2.		Safety footwear for steel plants, type 1 and 2	IS : 10348—1982 Specification for safety footwear for steel plants	The monograms of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being super-scribed on the top sides and the relevant type designations being subscribed under the bottom sides of the monogram as indicated in the designs.	1985-10-01
3.					

[No. CMD/13:9]

का० आ० 3004:—भारतीय मानक संस्था (प्रमाणन मुहर) विनियम, 1955 के नियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न उत्पादों के लिए प्रति इकाई मुहरांकन शुल्क निर्धारित कर दिया गया है। जिसका विवरण संलग्न अनुसूची में दिया गया है। यह शुल्क प्रत्येक के सामने दी गई तारीख से लागू होगा:—

अनुसूची

क्रमांक	उत्पाद/उत्पाद की धेनी	संबंधित भारतीय मानक की सं० एवं शीर्षक	इकाई	मुहरांकन शुल्क प्रति इकाई	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	वनस्पति एवं खाद्य तेलों के लिए 15 किग्रा के चौकोर टिन	IS : 10325—1982 वनस्पति एवं खाद्य-तेलों के लिए 15 किग्रा के चौकोर टिनों की विधि	1 टिन	(1) 2 पैसे प्रति इकाई पहली 200000 इकाइयों के लिए, (2) 1 पैसा प्रति इकाई, 200001 वीं इकाई से 500000 इकाइयों तक के लिए और (3) 1/2 पैसा प्रति इकाई 500001 वीं इकाई और इससे अधिक इकाइयों के लिए	1984-04-01
2.	इस्पात संयंत्रों में प्रयुक्त सुरक्षा जूते	IS : 10348-1982 इस्पात संयंत्रों में प्रयुक्त सुरक्षा जूतों की विधि	1 जोड़ा	(1) 25 पैसे प्रति इकाई पहली 1000 इकाइयों के लिए; (2) 20 पैसे प्रति इकाई 1001 वीं इकाई से 3000 इकाइयों तक के लिए और (3) 15 पैसे प्रति इकाई 3001 वीं इकाई और इससे अधिक इकाइयों के लिए	1983-10-01

[सं सी० एम० की०/13:10]

बी० एम० मि०, अपर महा निदेशक

S.O. 3004.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby notifies that the marking fee(s) per unit for various products details of which are given in the Schedule hereto annexed have been determined and the fee(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Product/Class of product	No. and Title of Relevant Indian Standard	Unit	Marking fee per unit	Date of Effect
1	2	3	4	5	6
1.	15 kg square tins for vanaspati and edible oils	IS : 10325—1982 Specification for 15 kg square tins for vanaspati and edible oils	One tin	(i) 2 Paise per unit for the first 200000 units; (ii) 1 Paise per unit for the 200001st to 500000 units; and	1984-04-01

1	2	3	4	5	6
				(iii) 1/2 Paise per unit for the 50000 1st unit and above	
2. Safety footwear for steel plants	IS : 10348—1982 Specification for safety footwear for steel plants	One pair	(i) 25 Paise per unit for the first 1000 units; (ii) 20 Paise per unit for the 1001st to 3000 units and (iii) 15 Paise per unit for the 3001st unit and above		1985-10-01

[No. C M D/13 : 10]

B.N. SINGH, Addl. Director General

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 8 अक्टूबर, 1987

सूचि पत्र

का.आ. 3005--भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 27 सितम्बर, 1986 के पृष्ठ 3830-3831 पर प्रकाशित, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 3322, तारीख 8 सितम्बर, 1986 में--

1. पृष्ठ 3830 पर--

- (1) धारा 8 की उपधारा (2) की पंक्ति 2 में, "की जाएगी" के स्थान पर "किया जाएगा" पढ़ें।
- (2) "अनुसूची" शब्द को "अरिया कोयला क्षेत्र" के नीचे पढ़ें।
- (3) अनुसूची में क्रम सं. 1 के सामने "मनीषीह" के स्थान पर "मनीषीह" और यह शब्द जहाँ जहाँ भी आए हों, वहाँ "मनीषीह" पढ़ें।
- (4) अनुसूची के अन्त में, "कुल 534.97" के स्थान पर "कुल 534.972" और "1321.97" के स्थान पर "1321.28" पढ़ें।
- (5) "मौजा गरमूडीह में अजित किए जाने वाले प्लाट सं." के नीचे,--
 - (i) "627 भाग" के स्थान पर "627" पढ़ें।
 - (ii) "839 भाग" के स्थान पर "839" पढ़ें।
 - (iii) "848 भाग" के स्थान पर "848" पढ़ें।
 - (iv) "852 भाग" के स्थान पर "852" पढ़ें।
 - (v) "886 भाग" के स्थान पर "886" पढ़ें।
- (6) "मौजा कारीसतार में अजित किए जाने वाले प्लाट सं." के नीचे,--
 - (i) "से 181" के स्थान पर "2 से 181" पढ़ें।
 - (ii) "185 (भाग (भाग))" के स्थान पर "185 भाग" पढ़ें।

2. पृष्ठ 3831 पर--

- (1) "मौजा बरमूडीह में अजित किए जाने वाले प्लाट सं." के नीचे,--
 - (i) "571(भाग)" "547(भाग)" के पञ्चात पढ़ें;
 - (ii) "610(भाग)", के पञ्चात "613(भाग)," पढ़ें।
- (2) "मौजा सर्मण्डरह में अजित किए जाने वाले प्लाट सं." के नीचे,--
 - (i) "506"(भाग)" के स्थान पर "506, 507(भाग)" पढ़ें।
 - (ii) "575(भाग)" के स्थान पर "575, 576(भाग)" पढ़ें।
 - (iii) "606, 607" के स्थान पर "606 भाग, 607" पढ़ें।

(3) "मौजा बरमूडीह में अजित किए जाने वाले प्लाट सं." के नीचे,--

- (i) "146 (भाग), 154" के स्थान पर "146 से 154" पढ़ें।
- (ii) "147(भाग)" के स्थान पर "167(भाग)" पढ़ें।

(4) "मौजा बरमूडीह" शीर्षक के नीचे,--

(i) क-ख रेखा में--

(क) पहली पंक्ति में, "मौजा के साथ" के स्थान पर "मौजा के साथ साथ" पढ़ें।

(ख) दूसरी पंक्ति में, "624" के स्थान पर "626" पढ़ें।

(ग) तीसरी पंक्ति में, "644, 637" के स्थान पर "644" पढ़ें।

(घ) चौथी पंक्ति में "961" के स्थान पर "861" पढ़ें।

(ङ) पाँचवी पंक्ति में, "121" के स्थान पर "121, 122" पढ़ें।

(ii) ख-ग रेखा में,--

(क) दूसरी पंक्ति में, "बरमूडीह के प्याब" के स्थान पर "बरमूडीह के प्लाट" पढ़ें।

(ख) चौथी पंक्ति में, "546, 538, 537, 580" के स्थान पर "546, 547, 538, 537, 571, 573, 530" पढ़ें।

(iii) -- "ग-ग रेखा" के स्थान पर "ग-ग/1- और दूसरी पंक्ति में "बिन्दु 'ग' के स्थान पर "बिन्दु 'ग/1'" पढ़ें।

(iv) "ग-1घ" के स्थान पर "ग/1-घ" और "81 से होकर" के स्थान पर "816 से होकर" पढ़ें।

(v) घ-ङ रेखा में,--

पहली पंक्ति में, "194" के स्थान पर "184" पढ़ें।

(vi) ङ-ट रेखा में "551, 536" के स्थान पर "551, 550, 536" पढ़ें।

[सं. 43015/25/85-- सी.ए.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 8th October, 1987

CORRIGENDUM

S.O. 3005.—In the notification of the Government of India, in the Ministry of Energy (Department of Coal) No. S.O. 3322 dated the 8th September, 1986 published at pages 3831-3833 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 27th September, 1986,—

- A. at page 3831, in Note 1, 6th line, for "Bharat Cooking Coal Limited" read "Bharat Coking Coal Limited".
- B. I. at page 3832, for "Mouza Mandih" read "Mouza Manidih",
- II. under the heading "Plot Numbers to be acquired in Mouza Garbhudih",—
- for "627 (Part)" read "627";
 - for "839 (Part)" read "839";
 - for "848 (Part)" read "848";
 - for "886 (Part)" read "885 (Part)";
- III. under the heading "Plot Numbers to be acquired in Mouza Saraidaha" add sub-heading "Mining Rights";
- IV. under the heading "Plot Numbers to be acquired in Mouza Lakarkhawari" add sub-heading "Mining Rights";
- V. under the heading "Plot Numbers to be acquired in Mouza Bardubhi",
- add sub-heading "Mining Rights";
 - for "265 (Part)" read "365 (Part)";
 - for "266 (Part)" read "366 (Part)";
 - for "484 (Part)" read "494 (Part)";
 - for "485 (Part)" read "495 (Part)";
 - add "571 (Part)" between "347 (Part)"; and "572";
 - add "613 (Part)" between "610 (Part)" and "794 (Part)";
- VI. under the heading "Plot numbers to be acquired in Mouza Majhiladih",—
- add sub-heading "Mining Rights";
 - for "506 (Part)" read "506";
 - add "507 (Part)" between "506" and "508";
 - for "575 (Part)" read "575";
 - add "576 (Part)" between "575" and "577 (Part)";
- VII. read the heading "Plot numbers to be acquired in mouza Dubrajpur" and not "Dubrapur".
- C. at page 3833,—
- for plot no. "146 (Part), 154" read "146" to "154";
 - for "147 (Part)" read "167 (Part)".
- VIII. under the heading "Boundarh Description",

- (i) against A-B, in line 3, for plot Number "624" read "626";
- (ii) in line 3, Plot No. "637" may be omitted.
- (iii) in line 5, for Plot No. "961" read "861";
- (iv) in line 6, add plot number "122" between "121" and "124";
- (b) against B-C, (i) in line 4, add "547" and "538" after "546";
- (ii) in line 4, add "571" and "573" after "537";
- (c) for "C-C" read "C-C|1";
- (d) for "C-1|D" read "C|1-D";
- (e) against D-E, in line 1, for "192" and "104" read "182" and "184" respectively.
- (f) against E-F, in line 3, for "678" read "578";
- (g) against G-H, in line 2, for "Majhiladih" read "Majhiladih";
- (h) against H-I, add "and" between "Tetangabad" and "meets";
- (i) against J-K, in line 1, add plot Number "550" between "551" and "536";
- (j) against K-A, in line 2, for "Saradaha" read "Saraidaha"

[No. 43015/25/85-CA]

शुद्धिपत्र

का. आ. 3006 :—भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 13 जून, 1987 के पृष्ठ 2120 से 2121 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का. आ. सं. 1481 तारीख 26 मई, 1987 में,—

1. पृष्ठ 2120 में,—

(1) तीसरे पैरे की पंक्ति 9 में, "का परियाय" के स्थान पर "का परिदान" और अंतिम पंक्ति में "कर देंगे" के स्थान पर "करेंगे" पढ़ें।

(2) अनुसूची में,—

(1) "बानी" शब्द जहाँ जहाँ प्रयुक्त हुआ है, उसके स्थान पर "बणी" पढ़ें।

(2) स्तम्भ टिप्पण में क्रम संख्या 14 में "भाग" के स्थान पर "पूरा" पढ़ें।

सीमा वर्णन में, इ-क के सामने "रेखा बाध गांव" के स्थान पर "रेखा बाडगांव" पढ़ें।

[फाईन नं० 43015/5/87-जी. ए.]

CORRIGENDUM

S.O. 3006.—In the notification of the Government of India, in the Ministry of Energy (Department of Coal), No. S.O. 1481 dated the 26th May, 1987, published at pages 2120-21 of the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated the 13th June, 1987, at page 2121, in the Schedule, in column "Village Number", in serial number 4, for '300', read '310'.

[No. 43015/5/87-CA]

नई दिल्ली, 9 अक्टूबर, 1987

का० आ० 3007 :—केन्द्रीय सरकार को यह प्रतीत होगा है कि हमारे उद्योग अन्तर्मुखी में उल्लिखित भूमि में कोयला के अभिग्राह्य किए जाने की संभावना है,

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त क्षेत्र में कोयले का सर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अर्थात् जाने वाले क्षेत्र के रेखांक सं० राजस्व/23/87 तारीख 17-6-1987 का निरीक्षण सेन्ट्रल कोलफील्ड्स लि०, राजस्व अनुभाग दरभंगा हाउस, रांची-834001 (बिहार) या उपायुक्त हजारी बाग (बिहार) उपायुक्त पालामाऊ के कार्यालय में अथवा कोयला नियंत्रक, 1 कार्मिसल हाउस स्ट्रीट कलकत्ता-700001 के कार्यालय में किया जा सकता है।

इस अधिसूचना के अर्थात् जाने वाले भूमि में हिसाब सभी व्यक्ति उक्त अधिनियम की धारा 13 को उपधारा (7) में निर्दिष्ट सभी तकशों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, राजस्व अधिकारी, सेन्ट्रल कोलफील्ड्स लि०, दरभंगा हाउस, रांची-834001 (बिहार) को भेजेगे।

अनुसूची

आम्रपाती ब्लॉक

उत्तरी करणपुरा कोयला क्षेत्र

(जिरा हजारी बाग बिहार)

और जिला पालामाऊ (बिहार)

प्रांक्षण के लिए अधिसूचित भूमि

क्र० सं० ग्राम	थाना	थाना सं०	जिला	क्षेत्र एकड़ में	टिप्पणियाँ
1	2	3	4	5	6
1. सोपारम	तदवा	24/181	हजारीबाग	485.00	भाग
2. बरकुटे	"	25/182	"	251.00	पूर्ण
3. सरधू	"	29/186	"	535.00	भाग
4. हेनाबेतिया	"	30/187	"	305.00	"
5. कोण्ड	"	31/188	"	780.00	"
6. नाशिया	"	32/189	"	235.00	"
7. पकाया या कामिडीह	"	34/191	"	425.00	"
8. घाघरा	"	35/192	"	140.00	"
9. बृन्दा	"	36/193	"	295.00	"
10. मिमर	"	42/199	"	245.00	"
11. किशनपुर	"	44/201	"	817.52	पूर्ण
12. मधुपुर	"	45/202	"	24.40	"
13. मेरदाग	"	46/203	"	751.48	"
14. बिगलत	"	49/206	"	723.34	"
15. हौलडा	"	50/207	"	1650.00	भाग
16. कुमरंग खर्ब	"	51/208	"	1843.78	पूर्ण
17. कुमरंग कला	"	52/209	"	1157.99	पूर्ण
18. उर्मु	"	54/211	"	510.00	भाग
19. गरलौग	"	59/216	"	80.00	"
20. काभला	"	60/217	"	12.00	"
21. ब्रतालत	मनासू	49	पालामाऊ	485.00	"
22. मनासू	"	50	"	300.00	"
23. बंवर	"	51	"	15.00	"

कुल क्षेत्र 11,614.91 एकड़ (लगभग)

या 4700.32 हेक्टेयर (लगभग)

सीमा वर्णन :-

क-ख रेखा ग्राम ब्रतालत और कुरनौगा, बरकुता और कुरलौग की सामान्य सीमा के साथ साथ, ग्राम सरधू हेनाबेतिया और फिर ग्राम सरधू में से होकर जाती है तथा बिन्दु "ख" पर मिलती है [जो कोयला धारक क्षेत्र (अर्जन और विकास अधिनियम), 1957 की धारा 4(1) के अन्तर्गत अधिसूचित मण्डल धारा के साथ साथ सामान्य सीमा बनती है]।

ख-ग रेखा ग्राम सरधू, कामता और ग्राम गरलौग में से होकर जाती है और बिन्दु "ग" पर मिलती है।

ग-घ रेखा ग्राम उर्मु और कुकु की सामान्य सीमा के साथ साथ, ग्राम उर्मु में से होकर, तब ग्राम उर्मु और मिथुआ कुनरौग तक और निजुता, बिगलत और निजुआ, बिगलत और पचरवा, मरदाग और तवाखप, किशनपुर और सवाखाप, किशनपुर और मिमर, किशनपुर और कितार मिमरौल सं० 43/200 की मध्य रेखा और सामान्य ग्राम सीमा के साथ साथ ग्राम सिसर और बृन्दा से होकर और ग्राम बृन्दा और कयरा की सामान्य सीमा के साथ साथ जाती है और बिन्दु "घ" पर मिलती है।

घ-क रेखा ग्राम बृन्दा, घाघरा, पकाया या कामिडीह, हौलडा, नौदिहा, कोण्ड, सोपारम, ब्रतालत, मनासू और बंवर से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं० 43015/15/87-सी०ए०]

समय सिंह, अवर सचिव

New Delhi, the 9th October, 1987

S.O. 3007.—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957) the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan No. Rev/23/87 dated 17-6-87 of the area covered by this notification may be inspected in the Office of the Central Coalfields Limited, Revenue Section, Darbhanga House, Ranchi-834001 (Bihar) or in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Deputy Commissioner, Palamau or in the Office of the Coal Controller, I, Council House Street Calcutta-700001.

All persons interested in the land covered by this notification shall deliver all maps charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi-834001 (Bihar) within ninety days from the date of the publication of this notification.

SCHEDULE

Amrapali Block

North Karanpura Coalfield

District Hazaribagh (Bihar)

and District Palamau (Bihar)

Showing land notified for prospecting

Serial number	Village	Thana	Thana number	District	Area in acre	Remarks
1.	Soparam	Tandwa	24/181	Hazaribagh	485.00	Part
2.	Barkute	"	25/182	"	254.40	Full
3.	Saradhu	"	29/186	"	535.00	Part
4.	Hechabatia	"	30/187	"	305.00	"
5.	Koed	"	31/188	"	780.00	"
6.	Naudiha	"	32/189	"	235.00	"
7.	Pokla or Kasidih	"	34/191	"	425.00	"
8.	Chaghra	"	35/192	"	140.00	"
9.	Brinda	"	36/193	"	295.00	"
10.	Sisar	"	42/199	"	245.00	"
11.	Kishunpur	"	44/201	"	817.52	Full
12.	Madwapur	"	45/202	"	24.40	"
13.	Serandag	"	46/203	"	351.48	"
14.	Binglat	"	49/206	"	728.34	"
15.	Honhe	"	50/207	"	1650.00	Part
16.	Kumrang Khurd	"	51/208	"	1843.78	Full
17.	Kumrang Kalan	"	52/209	"	1157.99	"
18.	Ursu	"	54/211	"	510.00	Part
19.	Garllaung	"	59/216	"	80.00	"
20.	Kamta	"	60/217	"	12.00	"
21.	Banalat	Balumath	49	Palamau	485.00	"
22.	Manatu	"	50	"	300.00	"
23.	Banwar	"	51	"	15.00	"

Total area :—11,614.91 Acres
(approximately)

or 4700.32 hectares
(approximately)

BOUNDARY DESCRIPTION :—

A-B line passes along the common boundary of villages Banalat and Kurlonga, Barkuta and Kurlonga, through villages Saradhu, Hechabatia and again village Saradhu and meets at point 'B' (which forms part common boundary with Magadh Block notified U/s 4(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957).

B-C line passes through villages Saradhu, Kamta and village Garlaung and meets at point 'C'.

C-D line passes along the common boundary of villages Ursu and Bukru, through village Ursu, then along the Central line and common village Boundary of villages Ursu and Sijhua, Kumrang Kalan and Sijhua, Binglat and Sijhua, Binglat and Pachanra, Serandag and Pachanra, Serandag and Nawakhap, Kishunpur and Nawakhap, Kishunpur and Sisar, Kishunpur and Kitabi Miraul No. 43/200, through village Sisar and Brinda and also along common boundary of villages Brinda and Kabra and meets at point 'D'.

D-A line passes through village Brinda, Ghaghra, Pokla or Kasidiha, Honhe, Naudiha, Koed, Soparam, Banalat, Manatu and Banwar and meets at starting point 'A'.

[No. 43015/15/87-CA]

SAMAY SINGH, Under Secy.

परमाणु ऊर्जा विभाग

नई दिल्ली, 28 सितम्बर, 1987

का. भा. 3008.—केन्द्रीय सरकार क्रय और भंडार निदेशालय, दम्बई को, जो परमाणु ऊर्जा विभाग का एक संघटक युनिट है तथा नरोरा परमाणु विद्युत परियोजना के जो परमाणु ऊर्जा विभाग के प्रशासनिक नियंत्रणाधीन सरकारी क्षेत्र के उपक्रम म्युक्लियर पावर कार्पोरेशन की एक परियोजना है, जिनके 80 प्रतिशत में अधिक कर्मचारियों ने हिन्दी का कार्यमाधक ज्ञान प्राप्त कर लिया है, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में अधिसूचित करती है।

[संख्या 6/5/82-हिन्दी]

शैलेन्द्र पण्डेय, निदेशक

DEPARTMENT OF ATOMIC ENERGY

New Delhi, the 28th September, 1987

S.O. 3008.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Directorate of Purchase & Stores, Bombay, a constituent Unit of the Department of Atomic Energy, and the Narora Atomic Power Project—a project of the Nuclear Power Corporation a public sector undertaking under the administrative control of the Department of Atomic Energy, more than 80 percent staff whereof has acquired working knowledge of Hindi.

[No. 6/5/82-Hindi]

SHAILENDRA PANDEY, Director.

कल्याण मंत्रालय

नई दिल्ली, 19 अक्तूबर, 1987

शुद्धिपत्र

का. भा. 3009.—भारत का राजपत्र, अध्याधारण, भाग 2, खंड 3 उपखंड (ii) में प्रकाशित भारत सरकार के कल्याण मंत्रालय की अधिसूचना सं. का भा. 729 (अ) तारीख 23 जुलाई, 1987 में क्रम सं. (12) के सामने

'डा. (श्रीमती) ए. बी. मारिकर' को 'डा. (कुमारी) ए. बी. मारिकर' पढ़ें।

[का. सं. 8(3)/86-वक्फ-1]

एस. एम. बाइ. नदीम, उप सचिव

MINISTRY OF WELFARE

New Delhi, the 19th October, 1987

CORRIGENDUM

S.O. 3009.—In the notification of the Government of India in the Ministry of Welfare number S.O. 729 (B), dated the 23rd July, 1987, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) against serial number (12), for "Dr. (Mrs.) A. B. Marikar", read "Dr. (Miss) A. B. Marikar".

[F. No. 8(3)/86-Wakf]

S. M. Y. NADEEM, Dy. Secy.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

(राजभाषा एकक)

नई दिल्ली, 16 सितम्बर, 1987

का. भा. 3010.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अधीन निम्नलिखित कार्यालय को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यमाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

"केन्द्रीय विद्यालय संगठन"

मुख्यालय,

नया महरौली मार्ग, नई दिल्ली—110067

[सं. डी. 11011/44/87—रा. भा. ए.]

भगत सिंह, निदेशक (रा. भा.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

OFFICIAL LANGUAGE UNIT

New Delhi, the 16th September, 1987

S.O. 3010.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (use of the official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office under the Ministry of Human Resource Development (Department of Education), 80 per cent of staff of which has acquired working knowledge of Hindi :—

"Kendriya Vidyalaya Sangathan"

(Head Quarter)

New Mahrauli Marg.

New Delhi-110067.

[No. D. 11011/44/87-O.L.U.]

BHAGAT SINGH, Director (O.L.)

जल-भूतल परिवहन मंत्रालय

नई दिल्ली, 21 अक्तूबर, 1987

का. भा. 3011.—कलकत्ता डाक बर्फस (रोजगार का विनियम) स्कीम, 1070 को संशोधित करने के लिए स्कीम का निम्नलिखित प्राकृ

जिसे कि केन्द्रीय सरकार डाक वर्कर्स (रोजगार का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने का प्रस्ताव करती है, को इसके द्वारा प्रभावित सभी व्यक्तियों के सूचनाई उक्त उपधारा की आवश्यकता-नुसार एतद्वारा प्रकाशित किया जाता है और यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजकीय राजपत्र में प्रकाशित होने की तारीख से अथवा 45 दिन की अवधि के पश्चात् विचार किया जाएगा;

उक्त प्रारूप के संदर्भ में किसी भी व्यक्ति द्वारा प्राप्त आपत्तियाँ अथवा सुझावों पर उपरोक्त अधिष्ठ के समाप्त होने से पूर्व ही केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. इस स्कीम को कलकत्ता गोदी श्रमिक (रोजगार का विनियम) संशोधन स्कीम, 1987 कहा जा सकता है।

2. कलकत्ता गोदी श्रमिक (रोजगार का विनियम) स्कीम, 1970 की अनुसूची VI में खंड 4 के नीचे नोट (1) के स्थान पर निम्नलिखित नोट लिखा जाए, अर्थात् :—

“60 टन से अधिक भार वाले अलग-अलग पैकेजों (खादों और उत्तारने वाले कंटेनरों के अतिरिक्त) को टाइम रेट के आधार पर लिया जाएगा।”

[फा. सं. एल वी.-12014/3/87-एल IV]

वी. संकरालिंगम, निदेशक

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 21st October, 1987

S.O. 3011.—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is hereby published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 45 days from the date of publication of this notification in the Official Gazette;

Any objections or suggestions which may be received from any person with respect to said draft before the expiry of the aforesaid period will be taken into consideration by the Central Government.

DRAFT SCHEME

1. This scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1987.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 in Schedule VI, for Note (1) below clause 4, the following Note shall be substituted, namely :—

“Individual packages (other than containers for loading and unloading operation) weighing over 60 tonnes shall be time rated.”

[F. No. LD-12014/3/87-LIV]

V. SANKARALINGAM, Director

निर्माण महानिदेशालय

(केन्द्रीय लोक निर्माण विभाग)

नई दिल्ली, 15 अक्टूबर, 1987

फा. सं. 3012.—केन्द्रीय सरकार, राजभाषा (संघ के भाषकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, निम्नलिखित कार्यालयों को, जिनके अधिकारियों/कर्मचा-

रियों में दिल्ली का कार्यभाषक मान प्राप्त कर लिया है, अधिसूचित करते हैं। इसकी निर्माण महानिदेशालय की दिनांक 8-9-1978 की अधिसूचना संख्या 2/2/77 दिल्ली और दिनांक 9-8-1984 की अधिसूचना संख्या 2/2/84 दिल्ली तथा दिनांक 9-10-1986 की अधिसूचना संख्या 2/2/86 दिल्ली एवं दिनांक 16-1-1987 की अधिसूचना संख्या 2/2/86 दिल्ली दिनांक क्रमशः 73 और 49 तथा 2 एवं 11 कार्यालयों को अधिसूचित किया गया था, कि अनुक्रम में जारी किया जाता है :—

मुख्य इंजीनियर (नई दिल्ली अंचल) केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

1. कार्यपालक इंजीनियर के मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

2. कार्यपालक इंजीनियर 'बी' मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

3. कार्यपालक इंजीनियर 'सी' मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

4. कार्यपालक इंजीनियर 'डी' मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

5. कार्यपालक इंजीनियर, एशियाई खेल निर्माण मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

6. कार्यपालक इंजीनियर, 'ए' मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

7. कार्यपालक इंजीनियर, वातातुकूलन मण्डल-5, के. लो. नि. वि., नई दिल्ली।

8. कार्यपालक इंजीनियर, नियुक्त मण्डल-12, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

9. कार्यपालक इंजीनियर, एशियाई खेल विश्रुत मण्डल, के. लो. नि. वि., नई दिल्ली

10. अध्यक्ष इंजीनियर, दिल्ली केन्द्रीय परिमण्डल-9 के लो. नि. वि., नई दिल्ली।

मुख्य इंजीनियर (खाद अंचल), केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

11. कार्यपालक इंजीनियर, विद्युत मण्डल-9, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

12. कार्यपालक इंजीनियर, एम. डब्ल्यू./गोप मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

13. कार्यपालक इंजीनियर, एच. एम. ए. पी. मण्डल, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

14. कार्यपालक इंजीनियर, भोपाल खाद्य भण्डार मण्डल-1, भोपाल

15. कार्यपालक इंजीनियर, भोपाल खाद्य भण्डार मण्डल-2, भोपाल

16. कार्यपालक इंजीनियर, रायपुर केन्द्रीय खाद्य भण्डार मण्डल, रायपुर

17. अध्यक्ष इंजीनियर, भोपाल केन्द्रीय परिमण्डल, केन्द्रीय लोक निर्माण विभाग, भोपाल

मुख्य इंजीनियर (निर्माण अंचल), केन्द्रीय लोक निर्माण विभाग, नई दिल्ली

18. अध्यक्ष इंजीनियर, दिल्ली केन्द्रीय परिमण्डल-7, के. लो. नि. वि., नई दिल्ली

मुंबई इंजिनियर (पाश्चिमी अंचल) क्षेत्रीय लोक निर्माण विभाग,
बम्बई

62. कार्यपालक इंजीनियर बम्बई केन्द्रीय मण्डल, केन्द्रीय लोक निर्माण विभाग, बम्बई

63. कार्यपालक इंजीनियर बम्बई केन्द्रीय मण्डल 6, केन्द्रीय लोक विभाग, बम्बई

64. कार्यपालक इंजीनियर इन्दौर केन्द्रीय मण्डल, केन्द्रीय लोक निर्माण विभाग, इन्दौर

65. कार्यपालक इंजीनियर इन्दौर, केन्द्रीय विद्युत मण्डल, केन्द्रीय लोक निर्माण विभाग, इन्दौर

[सं. 2/2/86-हिन्दी]

हरीश चन्द्र, निर्माण सहायनिदेशक

DIRECTORATE GENERAL OF WORKS

(Central Public Works Department)

New Delhi, the 15th October, 1987

S.O. 3012.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use of Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of Central Public Works Department the staff whereof have acquired a working knowledge of Hindi. This is issued in continuation of Directorate General of Works Notification No. 2/2/77-Hindi, dated the 8-9-78, 2/2/84-Hindi dated 9-8-84, 2/2/86-Hindi dated 9-10-86 and 2/2/86-Hindi dated 16-4-87 under which 73, 49, 2 and 11 offices were notified respectively :—

Chief Engineer (New Delhi Zone), CPWD, New Delhi.

1. Executive Engineer, 'K' Divn. CPWD, New Delhi.
2. Executive Engineer, 'B' Divn. CPWD, New Delhi.
3. Executive Engineer, 'C' Divn. CPWD, New Delhi.
4. Executive Engineer, 'E' Divn. CPWD, New Delhi.
5. Executive Engineer, Asian Games Const. Divn., CPWD, New Delhi.
6. Executive Engineer, 'A' Divn. CPWD, New Delhi.
7. Executive Engineer, Air Conditioning Divn. 5, CPWD, New Delhi.
8. Executive Engineer, (Elect.) Elect. Divn. 12, CPWD, New Delhi.
9. Executive Engineer (E) Asian Games, Elect Divn. CPWD, New Delhi
10. Superintending Engineer, Delhi Central Circle-9, CPWD, New Delhi

Chief Engineer (Food Zone) CPWD, New Delhi .

11. Executive Engineer (E), Elect. Divn. 9, CPWD, New Delhi.
 12. Executive Engineer, Mech. & Workshop Divn. CPWD, New Delhi.
 13. Executive Engineer, H.M.A.P. Divn. CPWD, New Delhi.
 14. Executive Engineer, Bhopal Food Store, Divn. 1, Bhopal.
 15. Executive Engineer, Bhopal Food Store Divn. 2, Bhopal.
 16. Executive Engineer, Raipur Central Store Divn. Raipur.
 17. Superintending Engineer, Bhopal Central Circle, CPWD, Bhopal.
- Chief Engineer (Construction Zone) CPWD, New Delhi.
18. Superintending Engineer, Delhi Central Circle-7, CPWD, New Delhi.
 19. Executive Engineer, Construction Divn.-8, CPWD, New Delhi.

20. Executive Engineer, Elect Const Divn-3, CPWD, New Delhi.

21. Executive Engineer, Elect. Const. Divn-5, CPWD, New Delhi.

22. Executive Engineer, Elect. Const. Divn-6, CPWD, New Delhi.

23. Executive Engineer, Elect. Const. Divn.-14, CPWD, New Delhi.

24. Executive Engineer, Elect. Const. Divn.-2, CPWD, New Delhi

25. Executive Engineer, Elect Const Divn-2, CPWD, New Delhi

26. Executive Engineer, Elect. Const. Divn.-11, CPWD, New Delhi

27. Executive Engineer, Air Condt Divn-3, CPWD, New Delhi.

Chief Engineer (Northern Zone) CPWD, New Delhi

28. Superintending Engineer, Allahabad Central Circle, CPWD, Allahabad.

29. Executive Engineer, Chandigarh Central Divn., CPWD, Chandigarh.

30. Executive Engineer, Jammu Central Divn., CPWD, Jammu.

31. Executive Engineer, Lucknow Central Divn., CPWD, Lucknow.

32. Executive Engineer, Jaipur Central Divn., CPWD, Jaipur.

33. Executive Engineer, Bikaner Central Divn., CPWD, Bikaner.

34. Executive Engineer, Delhi Aviation Divn., CPWD, New Delhi.

35. Executive Engineer, Faridabad Central Divn.-1, CPWD, Faridabad.

36. Executive Engineer, Faridabad Central Divn.-2, CPWD, Faridabad.

37. Executive Engineer, Srinagar Central Divn., CPWD, Srinagar.

38. Executive Engineer, Shadbara Central Divn., CPWD, Shadbara.

39. Executive Engineer, Elect. Divn.-7, CPWD, New Delhi.

40. Executive Engineer, Chandigarh Central Elect. Divn., CPWD, Chandigarh.

41. Executive Engineer, Srinagar Central Elect. Divn., CPWD, Srinagar.

42. Executive Engineer, Madhopur Central Elect. Divn., CPWD, Madhopur.

43. Executive Engineer, Jaipur Central Elect. Divn., CPWD, Jaipur.

44. Executive Engineer, Faridabad Central Elect. Divn., CPWD, Faridabad.

45. Executive Engineer, Kanpur Central Elect. Divn., CPWD, Kanpur.

46. Executive Engineer, Dehradun Central Elect. Divn., CPWD, Dehradun.

Chief Engineer (Delhi Admn. Zone-I) Public Works Deptt., New Delhi.

47. Executive Engineer, PWD-10 (DA) PWD, New Delhi.

48. Executive Engineer, PWD-23 (DA), PWD, New Delhi.

49. Executive Engineer, PWD-14 (DA), PWD New Delhi.

50. Executive Engineer, PWD-20 (DA), PWD, New Delhi.

51. Executive Engineer, Hort. Divn.-2, CPWD, New Delhi.

52. Executive Engineer, Elect. Divn.-2 (DA), PWD, New Delhi

53. Executive Engineer, Elect. Divn.-5 (DA), PWD, New Chief Engineer (Delhi Adm.) Public Works Department, New Delhi.

54. Superintending Engineer, Circle-2 (DA), PWD, New Delhi.

55. Executive Engineer, Elect. Divn.-4 (DA), PWD, New Delhi.

56. Executive Engineer, Elect. Divn.-8 (DA) PWD, New Delhi.

57. Executive Engineer, Elect. Divn.-9, (DA) PWD, New Delhi.

58. Executive Engineer, Guru Teg Bahadur Medical College/Hospital (DA) Divn. II, New Delhi.

59. Executive Engineer, Guru Teg Bahadur Medical Hospital (DA) Divn. II, New Delhi.

60. Executive Engineer, Guru Teg Bahadur Medical College/Hospital (DA) Elect. Divn., New Delhi.

Chief Engineer (Yamuna Project) (DA) PWD, New Delhi.

61. Project Manager, Yamuna Central Circle-2 (DA) PWD, New Delhi.

Chief Engineer (Southern Zone) CPWD, Bombay.

62. Executive Engineer, Bombay Central Divn., CPWD, Bombay.

63. Executive Engineer, Bombay Central Divn.-6, CPWD, New Delhi.

64. Executive Engineer Indore Central Divn., CPWD, Indore.

65. Executive Engineer, Indore Central Elect. Divn., CPWD, Indore.

[No. 2/2/86-Hindi]

HARISH CHANDER, Director General of Works

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 19 अक्टूबर, 1987

(पुरातत्व)

का०आ० 3013:—केन्द्रीय सरकार की यह राय है कि इनके उपाय्य अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है ;

अतः अद्य केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अभिलेख अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जोर भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 28 दिसम्बर, 1985 में प्रकाशित संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं० का०आ० 5751 तारीख 13 दिसम्बर, 1985 को अधिकांत करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है।

केन्द्रीय सरकार राजपत्र में उस अधिसूचना के जारी होने की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन स्मारक में हितवृद्ध किसी व्यक्ति से प्राप्त किसी आक्षेप पर विचार करेगी।

अनुसूची

राज्य	जिला	तहसील/ब्लाक	परिक्षेत्र	संस्मारक का नाम	संरक्षण के अधीन सम्मिलित किये जाने वाले राजस्व प्लॉट संख्यांक
1	2	3	4	5	6
सिक्किम	पश्चिम जिला	डुङ्ग्री ब्लाक	बिपीचोंड फावरा	डुङ्ग्री मठ	सर्वेक्षण प्लॉट सं० 52
क्षेत्र	सीमाएं	स्वामित्व	टिप्पणियां		
7	8	9	10		
0.1840 हेक्टर	उत्तर—सर्वेक्षण प्लॉट सं० 53 पूर्व—सर्वेक्षण प्लॉट सं० 50 और 51 दक्षिण—सर्वेक्षण प्लॉट सं० 51 पश्चिम—सर्वेक्षण प्लॉट सं० 65	मठ	—		

[१० 2/३7/84—एम०]

DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi, the 19th October, 1987

(Archaeology)

S.O. 3013.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 4 of the Ancient Monuments and

Archaeological Sites and Remains Act, 1958 (24 of 1958) and in supersession of the notification of the Department of Culture (Archaeological Survey of India) No. S.O. 5751 dated the 13th December, 1985 published in the Gazette of India, Part II, Section 3, sub-section (ii) dated 28th December, 1985, the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

State	District	Tehsil/ Block	Locality	Name of monument	Revenue plot number to be included under Protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Sikkim	West District	Dubdi Block	Kheochod Phalri	Dubdi Monastery	Survey plot No. 52.	0.1840 Hectare	North—Survey plot No. 53. East—Survey plot Nos. 50 and 51. South—Survey plot No. 51. West—Survey plot No. 55.	Monastery	

[No. 2/37/84-M]

कां०प्रा० 3014.—केन्द्रीय सरकार को यह राय है कि इनसे उल्लेख्य अनुसूची में विनिर्दिष्ट प्राचीन स्थल राष्ट्रीय महत्व का है।

अतः यह, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्विक स्थल और अभिलेख अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा और भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 28 दिसम्बर, 1985 में प्रकाशित संस्कृति विभाग (मां०प्रा० पुरातत्व सर्वेक्षण) की अनुसूचना में कां०प्रा० 5752 तारीख 13 दिसम्बर, 1985 का अधिज्ञापन करके द्वारा, उक्त प्राचीन स्थल को राष्ट्रीय महत्व का घोषित करके अपने आदेश को सूचना देती है।

केन्द्रीय सरकार राजपत्र में इस अधिसूचना के जारी होने की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन स्थल में हितबद्ध किसी व्यक्ति से प्राप्त किसी आक्षेप पर विचार करेगी।

अनुसूची

राज्य	जिला	तहसील/ब्लाक	परिक्षेत्र	स्थल का नाम	संरक्षण के अधीन सम्मिलित किए जाने वाले राजस्व प्लॉट संख्याएँ
1	2	3	4	5	6
सिक्किम	पश्चिम जिला	---	पेमायोंगत्से मठ सम्प्रदाय का वन क्षेत्र	सिक्किम की प्राचीन राजधानी का ऐतिहासिक स्थल	असर्वजित क्षेत्र

क्षेत्र	सीमाएं	स्वामित्व	टिप्पणियाँ
7	8	9	10
---	---	---	यह स्थल पेमायोंगत्से मठ सम्प्रदाय के वन क्षेत्र के भीतर स्थित है और असर्वजित क्षेत्र है।

[स. 2/37/84-एम]

S.O. 3014. Whereas the Central Government is of the opinion that the ancient site specified in the Schedule annexed hereto is of national importance;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) and in supersession of the notification of the Department of Culture (Archaeological Survey of India) No. S.O. 5752 87/1383 GI-6,

dated the 13th December, 1985 published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 28th December, 1985, the Central Government hereby gives notice of its intention to declare the said ancient site to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient site will be considered by Central Government.

SCHEDULE

State	District	Tehsil/ Block	Locality	Name of Site	Revenue plot numbers to be included under protection.	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Sikkim	West District	—	Forest area of Pemayon- gtse Monastery Estate.	Rabdentse site of an- cient capital of Sikkim	Unsurveyed area.	—	—	—	The site is located within the forest area of the Pemay- ongtse Monas- tery Estate and is unsurveyed area.

[No. 2/37/84-M]

का० आ० 3015.—केन्द्रीय सरकार की यह राय है कि इससे उपाय्य भूतुसूची में विनिर्दिष्ट प्राचीन स्थल राष्ट्रीय महत्व का है;

अतः, अब केन्द्रीय सरकार प्राचीन स्मारक तथा पुरातत्वीय स्थल और अधिगोप अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 28 दिसम्बर, 1985 में प्रकाशित संस्कृति विभाग (भारतीय पुरातत्वीय सर्वेक्षण) की अधिसूचना सं. का.आ. 5753 तारीख 13 दिसम्बर, 1985 को अधिष्ठात करने हुए, उक्त प्राचीन स्थल को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है।

केन्द्रीय सरकार राजपत्र में इस अधिसूचना के जारी होने की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन स्थल में हितवृद्ध किसी व्यक्ति से प्राप्त किया आक्षेप पर विचार करेगी।

भूतुसूची

राज्य	जिला	तहसील	अवस्थान	स्मारक का नाम	संरक्षण के अधीन सम्मिलित किए जाने वाले राजस्व प्लॉट संख्याक
1	2	2	4	5	6
सिक्किम	पश्चिम जिला	युकुगाम	त्रिगोबोड फालरो	युकुगाम के निकट नवगुंग सर्वेक्षण प्लॉट सं. 330 का राज्याभिषेक सिंहासन	

क्षेत्र	सीमाएं	स्वामित्व	टिप्पण
7	8	9	10
1. 2620 हेक्टर	उत्तर—सर्वेक्षण प्लॉट सं. 271 और 321 पूर्व—सर्वेक्षण प्लॉट सं. 322 दक्षिण—सर्वेक्षण प्लॉट सं. 328, 332, 341 और 342 पश्चिम—सर्वेक्षण प्लॉट सं. 268 और 270	वन आरक्षित सरकारी भूमि	—

[सं. 2/37/84/एम.]

प्रार. सी. त्रिपाठी, महानिदेशक और संयुक्त सचिव

S.O. 3015.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) and in supersession of the notification of the Department of Culture (Archaeological Survey of India) No. S.O. 5753 dated the 13th December, 1985 published in the Gazette of

India, Part II, Section 3, sub-section (ii) dated the 28th December, 1985 the Central Government hereby gives notice of the intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

State	District	Tehsil/Block	Locality	Name of monument	Revenue plot number to be included under protection.	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Sikkim	West District	Yuksam	Kheochod Phalri	Coronation Throne of Norbugang near Yuksam.	Survey plot No. 330	1.2620 hectare.	North—Survey plot Nos. 271 and 321. East—Survey plot No. 322. South—Survey plot Nos. 328, 332, 341 and 342. West—Survey Nos. 268 and 270.	Forest reserved Government land.	—

[No. 2/37/84-M]

R.C. TRIPATHI, Director General and Jt. Secy.

संचार संचालय

(दूर-संचार विभाग)

नई दिल्ली, 13 अक्टूबर, 1987

का. भा. 3016:—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक दूरसंचार विभाग ने काट्टाशूट टेलीफोन केन्द्र, तमिलनाडू संकिल, में दिनांक 23-10-1987 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-3/87-पी. एच. बी.]

पी. भार. कारडा, सहायक महानिदेशक (पी. एच. बी.)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 13th October, 1987

S.O. 3016:—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 23rd October 1987 as the date on which the Measured Rate System will be introduced in Kattathurai, Madurai Telecom. Region, Tamil Nadu.

[No. 5-3/87-PHB]

P. R. KARRA, Assistant Director General (PHB)

नई दिल्ली, 19 अक्टूबर, 1987

का. भा. 3017:—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिसूचियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 28 मई, 1977 के पृष्ठ 1916 से 1921, (अंग्रेजी) पर प्रकाशित भारत सरकार के भूतपूर्व संचार मंत्रालय (डाक तार बोर्ड) की अधिसूचना सं. का. भा. 1578, तारीख 12 मई, 1977 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना के नीचे सारणी में,—

(क) क्रम सं. 18, 24, 27, 36, 43 और 49 तथा उक्त संबंधित

प्रतिष्ठियों के स्थान पर, क्रमशः निम्नलिखित क्रमांक संख्यांक और प्रतिष्ठियाँ रखी जाएंगी, अर्थात्:

क्रम सं.	अधिकारी का पद/विधान	सरकारी स्थान
1	2	3
"18.	सहायक महाप्रबंधक, महाप्रबंधक का कार्यालय, दूर संचार, मुम्बई	महाराष्ट्र राज्य, गोवा राज्य और दमण और दीव संघ राज्य क्षेत्र में स्थित (1) महाप्रबंधक, दूर संचार, महाराष्ट्र संकिल; (2) मुम्बई की स्थानीय सीमाओं के भीतर स्थित महाप्रबंधक, महानगर टेलीफोन निगम लि., मुम्बई के प्रशासनिक नियंत्रण, धीन स्थान";
"24.	सहायक महाप्रबंधक, (प्रशासन), महाप्रबंधक, दूरसंचार, आन्ध्र प्रदेश संकिल, हैदराबाद का कार्यालय	हैदराबाद और तिकन्चराबाद के युग्म नगरों में स्थित महाप्रबंधक, दूर संचार आन्ध्र प्रदेश के प्रशासनिक नियंत्रणाधीन स्थान";
"27.	सहायक महाप्रबंधक, महाप्रबंधक दूर संचार, उड़ीसा संकिल, भुवनेश्वर का कार्यालय	केवल भुवनेश्वर नगर में स्थित महाप्रबंधक, दूरसंचार उड़ीसा संकिल के प्रशासनिक नियंत्रणाधीन स्थान";
"36.	सहायक महाप्रबंधक (इंजीनियरी), महाप्रबंधक, महानगर टेलीफोन निगम, दिल्ली का कार्यालय	दिल्ली और नई दिल्ली की स्थानीय सीमाओं के भीतर स्थित महाप्रबंधक, महानगर टेलीफोन निगम लि. दिल्ली के प्रशासनिक नियंत्रणाधीन स्थान";
"43.	सहायक महाप्रबंधक (प्रशासन), महाप्रबंधक, टेलीफोन, कानपुर का कार्यालय	कानपुर नगर में स्थित महाप्रबंधक टेलीफोन, कानपुर के प्रशासनिक नियंत्रणाधीन स्थान";
"49.	सहायक महाप्रबंधक, महाप्रबंधक प्रशिक्षण और विकास संकिल, जबलपुर का कार्यालय	जबलपुर नगर में स्थित महाप्रबंधक, प्रशिक्षण और विकास संकिल, जबलपुर के प्रशासनिक नियंत्रणाधीन स्थान";

1	2	3
	(ख) क्रम सं. 33 और उससे संबंधित प्रविष्टियों के लोप किए जाएंगे,	
	(ग) क्रम सं. 70 और उससे संबंधित प्रविष्टियों के परवर्तन निम्नलिखित क्रम सं. और प्रविष्टियों अन्तः स्थापित की जाएंगी अर्थात् :—	
71. निदेशक (दूर संचार) हैदराबाद	हैदराबाद और सिकन्दराबाद के युग्म नगरों में स्थित निदेशक (दूर संचार) हैदराबाद के प्रशासनिक नियंत्रणाधीन स्थान।	
72. निदेशक (दूर संचार) बिशाखापटनम	जिला बिशाखापटनम आन्ध्र प्रदेश में स्थित निदेशक दूर संचार बिशाखापटनम के प्रशासनिक नियंत्रणाधीन स्थान।	
73. निदेशक (दूर संचार) गुंटूर	जिला गुंटूर आन्ध्र प्रदेश में स्थित निदेशक (दूर संचार) गुंटूर के प्रशासनिक नियंत्रणाधीन स्थान।	
74. निदेशक (दूर संचार) चारंगल	जिला चारंगल आन्ध्र प्रदेश में स्थित निदेशक (दूर संचार) चारंगल के प्रशासनिक नियंत्रणाधीन स्थान।	
75. निदेशक (दूर संचार) तिरुपति	जिला तिरुपति आन्ध्र प्रदेश में स्थित निदेशक (दूर संचार) तिरुपति के प्रशासनिक नियंत्रणाधीन स्थान।	
76. प्रभागीय इंजीनियर अधीक्षण तार ट्रीफिक भुवनेश्वर	उड़ीसा राज्य में (भुवनेश्वर नगर के सिवाय) स्थित महाप्रबंधक दूर संचार उड़ीसा सर्किल के प्रशासनिक नियंत्रणाधीन स्थान।	
77. जिला प्रबंधक गुवाहटी टेलीफोन जिला उत्तर-पूर्वी सर्किल शिलांग	गुवाहटी की स्थानीय सी.म.ओं के भीतर स्थित महाप्रबंधक, गुवाहटी टेलीफोन जिला के प्रशासनिक नियंत्रणाधीन स्थान।	
78. सहायक महाप्रबंधक (भवन) महाप्रबंधक (अनुरक्षण) नहीं दिल्ली का कार्यालय	दिल्ली संघ राज्य क्षेत्र में स्थित महाप्रबंधक (अनुरक्षण) नहीं दिल्ली के प्रशासनिक नियंत्रणाधीन स्थान।	
79. सहायक महाप्रबंधक (योजना)	हिमाचल प्रदेश राज्य में स्थित महाप्रबंधक दूर संचार हिमाचल प्रदेश सर्किल, अम्बाला का कार्यालय।	

[सं. 2-209/73-एन बी]

श्रीमती पूनम जुनेजा
सहायक महानिदेशक (एन बी/विमान)

makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Communications (Posts and Telegraphs Board), No. S.O. 1576, dated the 12th May, 1977 published at pages 1916 to 1921 of the Gazette of India, Part II Section 3, Sub-Section (ii), dated the 28th May, 1977, namely:—

In the Table below the said notification:—

(a) for serial Nos. 18, 24, 27, 36, 43 and 49 and the entries relating thereto, the following serial Nos. and entries shall respectively be substituted, namely:—

Sl. No.	Designation of the Officer	Public Premises
"18.	Assistant General Manager, Office of the General Manager, Telecommunications Bombay.	Premises under the administrative control of (i) the General Manager, Telecommunications, Maharashtra Circle, situated in the State of Maharashtra, the State of Goa and the Union Territory of Daman and Diu. (ii) General Manager, Mahanagar Telephone Nigam Ltd. Bombay situated within the local limits of Bombay."
"24.	Assistant General Manager (Administration), Office of the General Manager Telecommunications, Andhra Pradesh Circle, Hyderabad.	Premises under the administrative control of General Manager Telecommunications, Andhra Circle situated in the twin cities of Hyderabad and Secunderabad."
"27.	Assistant General Manager, Office of the General Manager Telecommunications, Orissa Circle, Bhubaneswar	Premises under the administrative control of the General Manager Telecommunications, Orissa Circle, situated in the City of Bhubaneswar only."
"36.	Assistant General Manager (Engineering), Office of General Manager, Mahanagar Telephone Nigam Limited, Delhi.	Premises under the administrative control of the General Manager, Mahanagar Telephone Nigam Limited Delhi, situated within the local limits, of Delhi and New Delhi."
"43.	Assistant General Manager (Administration), Office of the General Manager Telephones, Kanpur.	Premises under the administrative control of the General Manager, Telephones Kanpur, situated in the city of Kanpur."
"49.	Assistant General Manager, Office of General Manager, Training and Development Circle, Jabalpur.	Premises under the administrative control of the General Manager, Training and Development Circle, Jabalpur, situated in the City of Jabalpur."

(b) serial No. 33 and the entries relating thereto shall be omitted;

(c) after serial number 70 and the entries relating thereto, the following serial Nos. and entries shall be inserted, namely:—

New Delhi, the 19th October, 1987

S.O. 3017.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby

1	2	3
"71. Director (Telecommunications), Hyderabad.	Premises under the administrative control of the Director (Telecommunications) Hyderabad, situated in the twin cities of Hyderabad and Secunderabad.	
"72. Director (Telecommunications), Vishakhapatnam.	Premises under the administrative control of the Director (Telecommunications) Vishakhapatnam, situated in District Vishakhapatnam, Andhra Pradesh.	
"73. Director (Telecommunications) Guntur.	Premises under the administrative control of the Director (Telecommunications), Guntur, situated in District Guntur, Andhra Pradesh.	
"74. Director (Telecommunications), Warangal.	Premises under the administrative control of the Director (Telecommunications) Warangal, situated in District Warangal, Andhra Pradesh.	
"75. Director (Telecommunications), Tirupati.	Premises under the administrative control of the Director (Telecommunications), Tirupati, situated in District Tirupati, Andhra Pradesh.	
"76. Divisional Engineer, Superintendent of Telegraph Traffic, Bhubaneswar.	Premises under the administrative control of the General Manager Telecommunications, Orissa Circle, situated in the State of Orissa (except the city of Bhubaneswar).	
"77. District Manager, Gauhati Telephone District, North Eastern Circle, Shillong.	Premises under the administrative control of the General Manager, Gauhati Telephone District, situated within the local limits of Gauhati.	
"78. Assistant General Manager (Building), Office of the General Manager Maintenance, New Delhi	Premises under the administrative control of the General Manager Maintenance, New Delhi, situated in the Union Territory of Delhi.	
"79. Assistant General Manager (Planning), Office of General Manager Telecommunications, Himachal Pradesh Circle at Ambala.	Premises under the administrative control of the General Manager Telecommunications, Himachal Pradesh Circle at Ambala situated in the State of Himachal Pradesh".	

[No. 2-209/73-NB]

(MRS.) POONAM JUNEJA, Asstt. Director General
(NB/Pen)

संचार संचालय

(डाक विभाग)

भोपाल, 15 अक्टूबर, 1987

का. आ. 3018:—केन्द्रीय सरकार का यह मत है कि श्री बी. के. शीवे, तत्कालीन उप डाकपाल कटनी जी. एफ तथा वर्तमान डाक सहाय कटनी मुख्य डाकघर से संबंधित विभागीय जांच में श्री संजय कुमार द्वारा श्री सी. एल. भंस्कर डाक सहायक खमरिया डाकघर की गवाह के रूप में में बुलाना आवश्यक है।

अतः विभागीय जांच (गवाहों की उपस्थिति के दाख्यकरण एवं दस्तावेजों प्रस्तुतीकरण) अधिनियम 1972 (1972 का 18) की धारा 4 की उपधारा (1) के तहत दिए गये अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री बी. आर. चौहान, पोस्टमास्टर विलासपुर मुख्य डाकघर को जांच प्राधिकारी के रूप में प्राधिकृत करती है ताकि वे उपरोक्त विभागीय जांच के संबंध में उपरोक्त अधिनियम की धारा 5 में विनिर्दिष्ट अधिकारों का प्रयोग कर सकें।

[क्रमांक डिस्क 23/सा.एम.पी. जे. बी./85]

जी. एस. राव, पोस्टमास्टर जनरल

MINISTRY OF COMMUNICATION

(Department of Posts)

Bhopal, the 15th October, 1987

S.O. 3018.—Whereas the Central Government is of the opinion that for the purpose of the departmental inquiry relating to Shri B. K. Shaive, then Sub-Postmaster Katni, C.F. now Postal Asstt. Katni Head Post Office it is necessary to summon as witness Shri Sanjay Kumar C/o Shri C. L. Banskar, P.A. Khamaria S.O.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 4 of the Departmental Inquiry (Enforcement of Attendance of Witness and Production of Documents) Act, 1972 (18 of 1972) the Central Government hereby authorises Shri B. R. Chauhan, Postmaster Bilaspur Head Post Office as the Inquiring authority to exercise the powers specified in section 5 of the said Act in relation to the said inquiry.

[No. DISC. 23/SSP JB/T5]

G. V. S. RAO, Postmaster Genl.

श्रम संचालय

नई दिल्ली, 13 अक्टूबर, 1987

का. आ. 3019:—अधक खान श्रम कल्याण निधि नियम, 1948 के नियम 3 के साथ पठित अधक खान श्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राजस्थान सरकार के लिए अधक खान श्रम कल्याण निधि सहायकार समिति गठित करती है, जिसके सदस्य निम्नलिखित व्यक्ति होंगे, अर्थात्:—

1. श्री रतन लाल ताम्बी,
[सदस्य, राजस्थान विधान सभा,
जयपुर।
2. श्री बसंत कुमार मानसिंह का
[पूसा निवास, सीलवाड़ा।

3. श्री विमल कुमार जैन,
मार्फत सेठ मूलचंद नेमीचंद,
मोंडल जिला—भीलवाड़ा
4. भेरुलाल मीना,
वाहम प्रेजिडेंट, राजस्थान इंटक,
ग्राम और डाकघर टीडी,
तहसील गिरवा, जिला—उदयपुर।
(राजस्थान)
5. श्री गिरधारी लाल व्यास,
सदस्य, लोक सभा
गांधी मजदूर सेवालय, भीलवाड़ा
6. श्रीमती शारदा देवी,
पत्नी, श्री बन्नी लाल शर्मा
गोकुल गंज, भीलवाड़ा।

और भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में दिनांक 21 नवम्बर, 1981 को प्रकाशित भारत सरकार के श्रम मंत्रालय की दिनांक 28 अक्टूबर, 1981 की अधिसूचना संख्या 3167 में संशोधन करती है:

उक्त अधिसूचना में क्रमांक 4 से 7, 9 और 10 तथा उनसे सम्बद्ध प्रविष्टियों के लिए क्रमशः निम्नलिखित रखा जाएगा, अर्थात्:—

- | | |
|--|--------------------------|
| 4. श्री रतन लाल ताम्बी,
सदस्य, राजस्थान विधान सभा,
जायपुर। | सदस्य |
| 5. श्री बसंत कुमार मानसिंह का
पुसा निवास, भीलवाड़ा | } नियोजकों के प्रतिनिधि |
| 6. श्री विमल कुमार जैन,
मार्फत सेठ मूलचंद नेमीचंद,
मोंडल जिला—भीलवाड़ा। | |
| 7. श्री भेरु लाल मीना,
वाहम प्रेजिडेंट, राजस्थान इंटक
ग्राम और डाकघर टीडी,
तहसील गिरवा, जिला—उदयपुर,
राजस्थान। | कर्मचारियों के प्रतिनिधि |
| 9. श्रीमती शारदा देवी,
पत्नी श्री बन्नीलाल शर्मा,
गोकुल गंज, भीलवाड़ा। | महिला प्रतिनिधि |
| 10. कल्याण प्रशासक,
अन्नक खात श्रम कल्याण निधि
संगठन, भीलवाड़ा। | सचिव |

[सं. यु-19012/11/84-इल्यु.-2(सी)]

MINISTRY OF LABOUR

New Delhi, the 13th October, 1987

S.O. 3019.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946) read with rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby appoints the following persons as members of the Advisory Committee of the Mica Mines Labour Welfare Fund for the State of Rajasthan namely:—

1. Shri Ratan Lal Tambi,
Member,
Rajasthan Vidhan Sabha,
Jaipur.

2. Shri Basant Kumar Mansinghka,
Pusa Nivas,
Bhilwara.
3. Shri Vimal Kumar Jain,
C/o Seth Moolchand Nemichand,
Mondal,
District Bhilwara.
4. Shri Bheru Lal Meena,
Vice President,
Rajasthan INTUC,
Village & Post T.D.,
Tehsil Girva,
District Udaipur (Rajasthan).
5. Shri Girdhari Lal Vyas,
Member,
Lok Sabha,
Gandhi Mazdoor Sevalaya,
Bhilwara.
6. Smt. Sharda Devi,
W/o Shri Badrilal Sharma,
Gokul Ganj,
Bhilwara

and hereby amends the notification of the Government of India, in the Ministry of Labour No. S.O. 3167 dated 28th October, 1981 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 21st November, 1981.

In the said notification, for Serial No. 4 to 7, 9 and 10 and entries relating thereto, the following shall respectively be substituted, namely:—

- | | |
|--|-----------------------------------|
| 4. Shri Ratan Lal Tambi,
Member,
Rajasthan Vidhan Sabha,
Jaipur | Member |
| 5. Shri Basant Kumar
Mansinghka, Pusa Nivas,
Bhilwara | } Employers' re-
presentatives |
| 6. Shri Vimal Kumar Jain,
C/o Seth Moolchand
Nemichand,
Mondal,
District Bhilwara | |
| 7. Shri Bheru Lal Meena,
Vice President,
Rajasthan INTUC,
Village and Post T.D.,
Tehsil Girva,
District Udaipur (Rajasthan) | Employers repre-
sentative |
| 9. Smt. Sharda Devi,
W/o Shri Badrilal Sharma,
Gokul Ganj,
Bhilwara | Women
representative |
| 10. Welfare Administrator,
Mica Mines Labour Welfare
Fund Organisation,
Bhilwara." | Secretary |

[No. U-19012/11/84-W. II(C)]

नई दिल्ली, 16 अक्टूबर, 1987

का. आ. 3020 :—लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि नियम, 1978 के नियम 3 के उप नियम (2) के साथ पठित लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्नलिखित व्यक्तियों को भारत प्रदेश राज्य के लिए लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि की सहायता समिति के सदस्य के रूप में नियुक्त करती है, अर्थात्:—

1. श्रीमती राजना रामानी,
सदस्य, विधान सभा,
6-3-2, राजना हांसी,
चिन्ना वाल्टेयर,
विशाखापत्तनम—530025
2. श्री एस. एन. सेठ,
मेगनीज खानों के एजेंट,
मैसर्स राय बहादुर सेठ श्रीराम
दुर्गा प्रसाद और फेडरल नरसिंह दास,
श्री रामनगर,
डाकघर जिला विजयनगरम।
3. श्री अम्बिका प्रसाद,
एजेंट,
एस. के. सारावाही एण्ड कम्पनी प्राइवेट लिमिटेड,
चिपूरुपाली, विजयनगरम, (जिला)।
4. श्री डी. एस. राजु,
एजेंट, (खनन विभाग) ,
मैसर्स फीरो एलायस कारपोरेशन लिमिटेड,
डाकघर श्रीरामनगर, जिला—विजयनगरम।
5. श्री रामाराव,
इन्टक तदर्थ समिति सदस्य,
पश्चिम गोदावरी, जिला।
6. श्री पाला मिम्हाचलम,
प्रेजीडेंट,
विशाखा स्टील प्रोजेक्ट कान्ट्रैक्ट वर्कर्स यूनियन,
विशाखापत्तनम।
7. श्री बी. येलादरी,
खान कर्मकार,
श्रीरामगिरी क्रोमाइट माइन्स,
मैसर्स फीरो एलायस कारपोरेशन लिमिटेड,
डाकघर श्री राम नगर, जिला विजयनगरम।
8. श्रीमती कोली भवानी,
प्रेजीडेंट,
तेलुगु महिला,
श्रीनिगार कालोनी, छडी लेन,
गुन्दुर, गुन्दुर जिला।

और भारत के राजपत्र भाग II, खण्ड 3, उपखण्ड (ii) में दिनांक 24 जुलाई, 1982 को प्रकाशित श्रम मन्त्रालय की दिनांक 7 जुलाई, 1982 की अधिसूचना संख्या का. आ. 2634 में संशोधन करती हैं।

उक्त अधिसूचना में, क्रमांक 4 से 10 तक तथा उनसे संबंधित प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित प्रतिस्थापन किए जायेंगे, अर्थात्:—

- “4. श्रीमती राजना रामानी, सदस्य
सदस्य, विधान सभा

5. श्री एस. एन. सेठ,
एजेंट, मेगनीज खान
मैसर्स राय बहादुर सेठ श्रीराम
दुर्गा प्रसाद और फेडरल नरसिंह दास
डाकघर श्रीराम, जिला विजयनगरम
6. श्री अम्बिका प्रसाद,
एजेंट,
एस. के. सारावाही एण्ड कम्पनी,
प्राइवेट लिमिटेड, चिपूरुपाली,
विजयनगरम जिला।
7. श्री डी. एस. राजु,
एजेंट, (खनन विभाग)
मैसर्स फीरो एलायस कारपोरेशन
लिमिटेड, श्रीरामनगर, डाकघर
जिला—विजयनगरम।
8. श्री रामाराव,
इन्टक तदर्थ समिति सदस्य
पश्चिम गोदावरी, जिला।
9. श्री पाला मिम्हाचलम,
प्रेजीडेंट,
विशाखा स्टील प्रोजेक्ट
कान्ट्रैक्ट वर्कर्स यूनियन,
विशाखापत्तनम।
10. श्री बी. येलादरी,
खान कर्मकार,
श्री रामगिरी क्रोमाइट खान,
मैसर्स फीरो एलायस कारपोरेशन
लिमिटेड,
श्री रामनगर, डाकघर,
जिला—विजयनगरम।

और इस समिति में निम्नलिखित अतिरिक्त सदस्यों का जो नियुक्त करती है:—

11. श्रीमती कोली भवानी,
प्रेजीडेंट,
तेलुगु महिला
श्रीनिगार कालोनी,
छडी लेन, गुन्दुर,
गुन्दुर जिला।
12. कल्याण प्रसाद,
लौह अयस्क, मैंगनीज अयस्क,
और क्रोम अयस्क खान, हैदराबाद।

[अंका यू-19012/1/85-अव्यु.-II (सी.)]

एम. एम. भटनाग, अवर सचिव

New Delhi, the 16th October, 1987

S.O. 3020 :—In exercise of the powers conferred by Section 5 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with sub-rule (2) of rule 3 of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby appoints the following persons as members of the Advisory Committee of the Iron Ore Mines, Manganese Ore Mines

and Chrome Ore Mines Labour Welfare Fund for the State of Andhra Pradesh namely:—

1. Smt. Rajana Ramani,
Member,
Legislative Assembly,
6-3-2-Rajana Hansi,
Chinna Waltair,
Visakhapatnam -530025.
2. Shri S.N. Seth,
Agent of Manganese Mines of
M/s. Rai Bahadur Seth Shreeram
Durga Prasad and Fatechand Narasingdas,
Shreeramnagar,
P.O. Distt. Vizianagaram.
3. Shri Ambika Prasad,
Agent,
S.K. Sarawagi & Co. Pvt. Ltd.,
Chipurupalli Vizianagaram (Distt.).
4. Shri D.S. Raju,
Agent,
(Mining Department),
M/s Ferro Alloys Corporation Ltd.,
Shreeramnagar (P.O.)
Vizianagaram (District).
5. Shri Ramarao,
INTUC Adhoc Committee Member,
West Godavari District.
6. Shri Palla Simhachalam,
President,
Visakha Steel Project Contract
Workers Union,
Visakhapatnam.
7. Shri V. Yeladri,
Mine Worker,
Sriramgiri Chromite Mines,
M/s. Ferro Alloys Corporation Ltd.,
Shreeramnagar (P.O.),
Vizianagaram (District).
8. Smt. Kolli Bhavani,
President,
Telugu Mahila,
Srinagar Colony,
6th Lane,
Guntur,
Guntur District.

and hereby amends the notification of the Government of India in the Ministry of Labour No. S.O. 2634 dated the 7th July, 1982, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 24th July, 1982.

In the said notification, for serial No. 4 to 10 and entries relating thereto, the following shall respectively be substituted, namely:—

- "4. Smt. Rajana Ramani, Member
Member,
Legislative Assembly

- | | |
|--|---------------------------------|
| 5. Shri S.N. Seth,
Agent of Manganese Mines of
M/s Rai Bahadur Seth Shreeram
Durga Prasad and Fatechand
Narasingdas,
Shreeram P.O.,
District Vizianagaram. | } Employers'
representatives |
| 6. Shri Ambika Prasad,
Agent,
S.K. Sarawagi & Co. Pvt. Ltd.,
Chipurupalli,
Vizianagaram District. | |
| 7. Shri D.S. Raju,
Agent,
(Mining Department),
M/s Ferro Alloys Corpn. Ltd.,
Shreeramnagar P.O.
Vizianagaram District. | |
| 8. Shri Ramarao,
INTUC Adhoc Committee
Member, West Godavari District. | } Employees'
representative |
| 9. Shri Palla Simhachalam,
President,
Visakha Steel Project
Contract Union.
Visakhapatnam. | |
| 10. Shri V. Yeladri,
Mine Worker,
Sriramgiri Chromite Mine,
M/s Ferro Alloys Corpn. Ltd.
Shreeramnagar P.O.,
Vizianagaram District | |

and also the following additional member is appointed on this Committee :—

- | | |
|---|-------------------------|
| 11. Smt. Kolli Bhavani,
President,
Telugu Mahila,
Srinagar Colony, 6th Lane,
Guntur, Guntur District. | Woman
representative |
| 12. Welfare Administrator,
Iron Ore, Manganese Ore &
Chrome Ore Mines, Hyderabad. | Secretary |

[No. U-19012/1/85-W. II (C)]

S.S. BHALLA, Under Secy.

New Delhi, the 13th October, 1987

CORRIGENDUM

S.O. 3021.—In the notification of the Government of India in the Ministry of Labour, S.O. No. 1499, dated 2nd June, 1987, published in the Gazette of India, Part II Section 3, Sub-section (ii), dated 13th June, 1987, in serial No. 14 in line No. 3 for Registered Office at 68, Cotton Street, Calcutta-6, read "26th, Prasanna Kumar Tagore Street, Calcutta-6".

[No. S-35017(2)/87-SS-II]

शुद्धिपत्र

का. सं. 3022 :—भारत सरकार एवं संसदन अधिवृत्तना संख्या 1925 दिनांक 14 जुलाई, 1987 भारत के संसदन भाग II खण्ड 3(ii) में 25 जुलाई, 1987 को प्रकाशित क्रम संख्या 17 के प्रथम पंक्ति में पोस्टेडन नगर के बाद "निविटेट" शब्द का जोड़ा जाये।

[संख्या एस.-35019(22)/87-एस.एस.-2]

CORRIGENDUM

S.O. 3022.—In the notification of the Government of India in the Ministry of Labour No. S.O. 1925, dated the 14th July, 1987, published in the Gazette of India, Part II Section 3, sub-section (ii), dated 25th July, 1987, in serial No. 17 line 1 after the word Products the word 'Limited' may be inserted.

[No. S-35019(22)/87-SS-II]

नई दिल्ली, 14 अक्टूबर, 1987

का. धा. 3023:—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिये:—

- (1) मैसर्स शार्वे ह्यूडब्रस, लायननगर, 398 शकरनकोविल रोड, राजापालायम
- (2) मैसर्स होलो कान्वन्ट, 20 ए. बी., गुरुद्वार स्ट्रीट, कुपालासि तालुक
- (3) मैसर्स दा कन्या कुमारी कन्या को-ओपरेटिव एम्प्लोईज को-ओपरेटिव थ्रफ्ट एण्ड क्रेडिट सोसाइटी लि. नं. के. वी-III पोस्ट आफिस थुक्कल
- (4) मैसर्स गणेश एगोपैक (प्राइवेट) लि., 6-ए. रेलवे किडर रोड, चोलापुरम साउथ (विया) राजापालायम
- (5) मैसर्स मार्स कन्फेक्शनरिस (प्राइवेट) लि., 295 नेहरू नगर मद्रास-41 और इसका नं. 7 पॉन्क्वा क्रॉस स्ट्रीट, सी आई एफ कॉलोनी मयलापुर, मद्रास-4 स्थित प्रशासनिक कार्यालय
- (6) मैसर्स सी आर मिनर्स, जी एन मिनर्स पोस्ट कोयमबदूर-29 और इसका 99 निमरीगौर रोड और एस पुरम कोयमबदूर स्थित प्रशासनिक कार्यालय
- (7) मैसर्स अशोक नीजिंग एण्ड हायर परचेज लि., 19 राजा जी एलाए मद्रास-1 और इसकी कनकप्ता एवं बम्बई स्थित शाखा।

धन: केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करता है।

[संख्या ए. स.-35019 (44)/87-एस. एस.-2]

New Delhi, the 14th October, 1987

S.O. 3023.—Whereas it appears to the Central Government that the employers and the majority of the employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely:—

1. M/s. Highway Heavy Weights Lions Nagar, 398, Sankarankovil Road, Rajapalayam.
2. M/s. Holy Convent, 20. A.B. Subedar Street, Kallakurichi Taluk.
3. M/s. The Kanya Kumari District Co-operative Employees Co-operative Thrift and Credit Society Limited, No. K.V. III, Post Office, Thuckalay.
4. M/s. Ganesh Agro Pack (Private) Limited, 6-4 Railway Feeder Road, Cholapuram South (Via) Rajapalayam.
5. M/s. Mares Confectionaries (Private) Limited, 295/1, Nehru Nagar, Madras-41, including its Administrative Office at No. 7, 5th Cross, Street C1F Colony Mylapore, Madras-4.

87/1383 GI—7.

6. M/s. C.R. Spinners, G. N. Mills Post Coimbatore-29 including its Administrative Office 99 Mogregor Road, R. S. Puram, Coimbatore 2.

7. M/s. Ashok Lessing and Hire Purchase Limited, 19, Rajaji Salai, Madras-1, including its branches at Calcutta and Bombay.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35019(44)/87-SS-II]

शुद्धिपत्र

नई दिल्ली, 15 अक्टूबर, 1987

का. धा. 3024:—भारत सरकार श्रम मंत्रालय अधिसूचना संख्या 1153 दिनांक 15 अप्रैल, 1987 भारत के राजपत्र भाग 2, खण्ड (II) में, 2 मई, 1987 को प्रकाशित कम संख्या 4 के प्रथम पंक्ति में "वेस्टन" शब्द को "वेस्टन" पढ़ा जाय।

[संख्या एस-35019 (10)/87-एस. एस.-2]

New Delhi, the 15th October, 1987

CORRIGENDUM

S.O. 3024.—In the notification of the Government of India in the Ministry of Labour S.O. 1153, dated the 15th April, 1987, published in the Gazette of India, Part II, Section 3 Sub-section (ii), dated 2nd May, 1987, in Serial No. 4 in line 1 for Western read "Weston".

[No. S-35019(10)/87 SS-II]

नई दिल्ली, 16 अक्टूबर, 1987

का. धा. 3025:—मैसर्स, अजमेर जिला दुग्ध उत्पादक सहकारी संघ लि., अजमेर (अ.र. ज./1788) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) से कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जी काफरा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों ने अधिक अनुकूल है जो उन्हें कर्मचारी निक्षेप सहस्रक बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय है;

धन: केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. धा. 905 तारीख 5-3-1984 के अनुसरण में और इससे उपावृत्त अनुपत्ती में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 17-3-1987 से तीन वर्ष की अवधि के लिए जिसमें 16-3-1990 या सम्मिलित है, उक्त स्काम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि प्रायुक्त राजस्थान को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरोक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरोक्षण प्रपत्रों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे।

New Delhi, the 16th October, 1987

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके प्रसंगीत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का मन्दाय वह लेखाओं का प्रस्तुत, निरीक्षण प्रभारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का बटन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम सुरक्षित दर्ज करेगा और उसको बाबत मायश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो नियोजक उक्त स्कीम के अधीन कर्मचारियों की उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुमेष्य हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश्य रकम उस रकम से कम है जो कर्मचारी को उस वृत्ति में सन्देश्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितियों को प्रतिकर के रूप में दोनों रकमों के अन्तर के अन्तर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि धायुक्त राजस्थान के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने का संभावना हो वहाँ, प्रादेशिक भविष्य निधि धायुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा स्कीम द्वारा नियत तारोब के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसा को व्ययगत हो जाने दिया जाता है तो छूट रह जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यक्ति की वृत्ति में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्दाय सत्परता से और प्रत्येक वृत्ति में हर प्रकार से पूर्ण वाले की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[सं. एस-35014/23/842 पी. एफ. 2 (एस.एस-2)]

S.O. 3025.—Whereas Messrs Ajmer Jila Dugadh Utpadak Sahakari Sangh Limited, Ajmer (RJ/1788) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees that the benefits admissible under the Employees' Deposit Linked Insurance Scheme 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour, S.O. 905 dated the 5th March, 1984 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 17th March, 1987 upto and inclusive of the 16th March, 1990.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Rajasthan and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Rajasthan and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of defaults, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[S. 35014/23/84-PF. II(SS. II)]

का. आ. 3026—मैसर्स ग्लिन्डिया लि., (जो पहले ग्लैक्सो वैलेचर्रीज (इंडिया) लि., के नाम से जाना जाता था) 38, वैलेचर्री रोड, गुड्डि, मद्रास-600032 (टी. एन. /1075) (जिसे इसमें इसके पश्चात् उक्त) स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक अभिदाय या प्रीमियम का सन्धाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम को सामूहिक स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल है जो उन्हें कर्मचारी निवेश सहबन्ध बीमा स्कीम, 1978 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुभोग्य है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों की प्रयोग करते हुए और भारत सरकार श्रम मंत्रालय की अधिसूचना संख्या का. आ. 4663 तारीख-25-11-1983 के अनुसरण में और इसमें उपबन्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 24-12-1986 से तीन वर्ष की अवधि लिए जिसमें 23-12-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्य निधि आयुक्त तामिल नाडू को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रचारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्धाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (3क) के खण्ड (क) के अधीन समय-समय पर निदिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रणालन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्धाय लेखाओं का अन्तरण, निरीक्षण प्रचारों का सन्धाय आदि भी है, होने वाले सभी व्ययों या बहुत नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पट्टे ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वास्तव आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्धाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उनवन्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिसमें कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुभोग्य हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्धाय रकम उस रकम से कम है जो कर्मचारी को उस वक्ता में सन्धाय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस नामनिर्देशितों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्धाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त तामिल नाडू के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का पुत्रियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्धाय करने में अमफल रहता है और पानिती की व्यवगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्धाय में किए गए किसी व्यतिक्रम की वक्ता में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्धाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशितों विधि वारिसों को उस राशि का सन्धाय तत्परता से और प्रत्येक वक्ता में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/256/83 पी. एफ. 2(एस. एस-2)]

S.O. 3026.—Whereas Messrs Glindia Limited (Formerly known as M/s. Glaxo Laboratories (India) Ltd. 38 Velecherry Road, Guidy, Madras-600032 (TN/1075) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour, S.O. 4663 dated the 25th November, 1963 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 14th December, 1986 upto and inclusive of the 23rd December, 1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Tamil Nadu and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S./35014/256/83-PF. II(SS. II)]

शुद्धि पत्र

का. आ. 3027—भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1420 तारीख 21 मई, 1987 जो भारत के राजपत्र भाग 2, भाग 3(ii) तारीख 6 जून, 1987 में प्रकाशित हुई है, लाइन 2 में (आर. जे./3702) के स्थान पर (आर. जे. 3782) पढ़ें।

[संख्या एस-35014/51/87-एस. एम.-2]

CORRIGENDUM

S.O. 3027.—In the notification of the Government of India in the Ministry of Labour No. S.O. 1420, dated the 21st May, 1987, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 6th June, 1987, in line 2 and 3 for (RJ/3702) read (RJ/3782).

[No. S-35014/51/87-SS-II]

नई दिल्ली, 19 अक्टूबर 1987

का. आ. 3028—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसूचन में श्री खालिद अमसारी के स्थान पर श्री सुशील कुमार प्रधान सचिव, आंध्र प्रदेश सरकार, श्रम, रोजगार और तकनीकी शिक्षा विभाग को कर्मचारी राज्य बीमा निगम में उम राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसूचन में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545 (घ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधित करती है, अर्थात्:—

उक्त अधिसूचना में, "राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट शीर्षक के नीचे मद्ध 8 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

श्री सुशील, कुमार,
प्रधान सचिव, आंध्र प्रदेश सरकार,
श्रम, रोजगार और तकनीकी शिक्षा विभाग
हैदराबाद।

[संख्या यू-16012/9/87 एसएस-1]

New Delhi, the 19th October, 1987

S.O. 3028.—Whereas the State Government of Andhra Pradesh has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Sushil Kumar, Principal Secretary to the Government

of Andhra Pradesh, Labour, Employment & Technical Education Department to represent that State on the Employees' State Insurance Corporation, in place of Shri Khalid Ansari;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely :—

In the said notification, under the heading "Nominated by the State Government under clause (d) of section 4)", for the entry against Serial Number 8, the following entry shall be substituted, namely :—

Shri Sushil Kumar,

Principal Secretary to the Government of Andhra Pradesh Department, Labour, Employment and Technical Education Hyderabad.

[No. U-16012/9/87-SS. I]

का. भा. 3029—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में यह अधिसूचित करती है कि भविष्य निधि संगठन उप क्षेत्रीय कार्यालय, कोल्हापुर, महाराष्ट्र, जो श्रम मंत्रालय के अधीन एक स्वशासी निकाय है, के कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान अर्जित कर लिया है।

[ई. 11011/1/87-एस. एम.-III]

ए. के. भट्टारай, अवर सचिव

S.O. 3029.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies that the employees of the Provident Fund Organisation Sub-Regional Office, Kolhapur, Maharashtra, an autonomous body under the Ministry of Labour, have acquired working knowledge of Hindi.

[E-11011/1/87-SS. III]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 13 अक्टूबर, 1987

का. भा. 3030—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार, स्टेट बैंक ऑफ़ बिकानेर एंड जयपुर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पचास को प्रकाशित करती है, जो केंद्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 13th October, 1987

S.O. 3030.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen, which was received by the Central Government.

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 3rd day of September, 1987

Industrial Dispute No. 38 of 1986

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the

workmen and the Management of State Bank of Bikaner and Jaipur, Jaipur.)

BETWEEN

The workmen represented by :

1. The President, State Bank of Bikaner and Jaipur Employees Association, 31, Moore Street, Madras-600001.
2. The State Bank of Bikaner and Jaipur Employees' Union, Tamil Nadu Unit, Madras.

AND

The Managing Director,

State Bank of Bikaner and Jaipur,

Head Office, Tilak Marg, P.B. No. 154, Jaipur-302005.

REFERENCE :

Order No. L-12011/59/85-D.II (A), dated 29-5-1986 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru N.G.R. Prasad for Thiruvalluvar Row and Reddy, Advocates appearing for Union No. 1 and Thiru D. Hariparanthaman, Advocate for Union No. 2 and of Thiru T. S. Gopalan, Advocate for the Management upon perusing the reference, claim and counter statements and other connected papers on record and the joint memorandum of settlement entered into between the concerned workmen and the Management having been recorded. This Tribunal passed the following :—

AWARD

This dispute between the workmen and the Management of State Bank of Bikaner and Jaipur, Jaipur arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order L-12011/59/85-D.II (A), dated 29-5-1986 of the Ministry of Labour for adjudication of the following issue :

"Whether the action of the management of State Bank of Bikaner and Jaipur, Jaipur in denying the annual increment to S/Shri E. K. Narayanan, P. R. Jagannathan, T. N. Mohan Rao and S. Thiagarajan, Clerks-cum-Godown keepers of their Madras Branch from the anniversary of their date of commencement of temporary appointments as per their circular No. S/12/74 dated 18-3-1974 is justified ? If not, to what relief the workmen are entitled ?"

2. Parties were served with summons.

3. Union No. 1, viz., State Bank of Bikaner and Jaipur Employees Association, Madras filed its claim statement on 21-10-1986 putting forth the claim of the workmen. In repudiation thereof, the Management filed their counter statement on 1-12-1986. Union No. 2, viz., The State Bank of Bikaner and Jaipur Employees' Union, Madras (impleaded as per order in Misc. Appln. No. 117/82, dated 3-9-1987) did not file their claim statement.

4. When the dispute was taken up today, the concerned workmen and the Management filed a joint memorandum of settlement. It is recorded.

5. In view of the settlement entered into by the concerned workmen with the Management which is produced before this Tribunal, Industrial Dispute is dismissed as settled out of Court. Award passed accordingly. No costs.

Dated, this 3rd day of September, 1987.

FYZEE MAHMOOD, Industrial Tribunal

[No. L-12011/59/85-D.II (A)]

N. K. VERMA, Desk Officer.

नई दिल्ली, 21 अक्टूबर, 1987

का. अ. 3011 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, यूनाइटेड वाणिज्यिक बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-87 को प्राप्त हुआ था।

New Delhi, 21st October, 1987

S.O. 3031:—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award of the Central Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the United Commercial Bank and their workmen, which was received by the Central Government on the 12th October, 1987.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

Reference No. 342 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES: Employers in relation to the management of United Commercial Bank and the workmen.

APPEARANCES

On behalf of the employers Shri A.N. Mishra, Manager (Legal)

On behalf of the workmen Shri D.P. Roy, General Secretary, All India UCO Bank Staff Federation.

STATE : Bihar INDUSTRY: Banking.

Dated, Dhanbad the 29th Sept., 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/24/86-D.II(A), dated the 21st October, 1986.

SCHEDULE

"Whether the action of the United Commercial Bank management in not giving simultaneous offer for the post of Chief Cashier Grade 'E' when the offer, for the post of Head Cashier Category 'E' was given during the period 1-7-79 to 31-8-81 to Shri N.P. Sharma and 10 others

is justified? If not, to what relief the said workmen are entitled?"

The case of the workmen is that the UCO Bank formerly known as United Commercial Bank is a nationalised Bank having its Head office at Calcutta. The said Bank has many branches all over the country including 204 branches in the state of Bihar. The said 204 branches of UCO Bank are controlled by the Zonal Manager of UCO Bank having its office at Patna. The said Zonal Manager is fully empowered to deal with the matters of industrial relations as envisaged in various awards of National Industrial Tribunals and various Bipartite settlement. The service conditions of the Bank employees are governed by the National Industrial Tribunal presided by Mr. Justice Shastri known as Shastri Award. Subsequently another Industrial Tribunal was set up presided over by Mr. Justice Desai which was known as Desai Award. After the validity of the Desai award being over the first bipartite settlement between the Bank management and the other workmen was signed on 19-10-66. which is known as First bipartite settlement. After the period of first bipartite settlement was over, further 3 bipartite settlements were signed from time to time which are known as second, third and 4th Bipartite settlements which form part of service condition of the Bank employees. The policy and procedure concerning promotion and selection to the post carrying functional special allowance under the bipartite settlement and related matters are governed by memorandum of agreement signed between the management of UCO Bank and their workmen. All India UCO Bank Staff Federation was a party to the agreement signed with the management of UCO Bank on 7-12-68 which was known as first promotion policy agreement. After the expiry of the first promotion policy agreement another agreement was signed on 20-5-75 between the Bank and all India UCO Bank Staff Federation which was known as second Promotion policy agreement. The agreement dated 20-5-75 was binding on the parties for 3 years from the date of the agreement and was to remain in force until terminated by either parties after giving two months notice in writing. The said agreement had been terminated by the Bank by giving notice on 1-2-78. But subsequently parties agreed to continue to apply its provision till a fresh agreement was arrived at between the parties on the subject matter. All India UCO Bank Staff Federation raised demand for modification/revision of certain provision contained in the said agreement dt. 20-5-75. After holding negotiation between the two parties, the parties entered into mutual agreement on 1-9-81 which is called as third promotion policy agreement.

There is provision for payment of special allowance to non-subordinate staff as well as to the subordinate staff for the additional duties performed by them. The Head cashiers Cat. E. is such a post in the cash department who is eligible to get special allowance, the amount of which is modified from time to time in the bipartite settlement. The procedure of selection of persons for the post of head cashier Cat. E is laid down in part-II Chapter VI of the Promotion policy signed on 20-5-75. There is also a provision of seniority list to be maintained in para-2 and 3 of the said promotion policy of 1975. In terms of the said promotion policy of 1975 the Bank maintains two separate seniority list on Region-wise basis for the cash department and another for the remaining department. For maintaining the seniority list the Branches of the Bank in the State of Bihar is grouped as one region. There were vacancies of head cashiers in several branches of Bihar in UCO Bank which were to be filled up from seniority list of Assistant Cashier of the Bihar Region in the year 1980. Shri N.P. Sharma one of the concerned workmen who was a Clerk-cum-Asstt. Cashier in the Bousi Branch of UCO Bank in the State of Bihar and whose name appeared in the Regionwise seniority list of Asstt. Cashier was given offer for Head Cashier Cat. E for the proposed branch at Dholbaza Bazar Branch in the district of Bhagalpur by the letter dt. 3-12-80. In accordance with the promotion policy agreement 1975 an employee who is selected as head cashier in Cat. E may be given an irrevocable option to choose instead Bank's Junior grade for Chief cashier. Those Head Cashier who do not so opt for chief cashier continue to be the head cashier in Cat. E under the Bipartite settlement. The service condition of the officers of the UCO Bank are governed by United Commercial Bank (Officers) Service and Conduct Regulation. The post of Chief Cashier under different cat. are the posts of officers in the cash department of the Bank as elucidated in the Pillai Committee recommendation. According to the promotion policy of 1975 it is the compulsory obligation on the part of the management of the Bank to give irrevocable option to accept the officers grade to the head cashier cat. E when the Asstt. Cashiers are so given the offer of Head Cashier. The local management of UCO Bank although gave offer of Head Cashier Cat. E to Shri N.P. Sharma according to the seniority list but they violated the promotion policy agreement in not giving irrevocable option to Shri N.P. Sharma. The post of Head Cashier is not a promotion as the employee remained as Asstt. Cashier in the Clerical Cadre and he only draws a special allowance for undertaking additional duties and responsibilities. The post of Chief Cashier is the post of an officer, the salary and emolument being

higher than the salary and emolument of Head cashier. The action of the Bank in not giving irrevocable option to Shri N.P. Sharma and other concerned workmen who were all offered the post of Head cashier Cat. E between the period 1-7-79 and 31-8-81 is violation of para-6 (4) of the Promotion Policy, 1975. The concerned workmen have been deprived of their Financial benefit as they are not getting the salary and emolument of the Chief Cashier. They are also deprived of their names being included in the seniority list of Chief Cashier for further grade promotion in addition to their loss in respect of medical benefit and entitlement of leave fare concession facilities. The concerned workmen protested to the Bank management for depriving them in not giving the irrevocable option as Chief Cashier orally and in writing but no reply was received by the Bank.

The validity of the promotion policy, 1975 was in vogue in the Bank till new agreement came into operation from 1-9-81, para 3-9-2 of the promotion policy of 1981 provides that all the Head Cashier Cat. E who are appointed on or after 1-9-81 and are continuing to function in such capacity and also those appointed hereafter subject to disqualification mentioned in para 3-1-2 (B) will be offered promotion as Chief Cashier in the Bank's Junior Management Grade Scale-I by giving them an option for acceptance of Chief Cashiership on the anniversary date of their posting as Head Cashier Cat. E. After they have reached the 9th stage in the Clerical scale of pay which will be inclusive of annual increment falling due for consideration in that calendar year. The management of the Bank after about 3 years of the original letter of offer gave irrevocable option to Shri N.P. Sharma and others to choose Chief Cashiership in the Bank Junior Management Grade Scale-I which the concerned workmen accepted with protest. On the above facts it is prayed that Shri N.P. Sharma and 10 others be given irrevocable option of Chief Cashiership in Banks Junior Management grade scale I from the date of giving up option to them by the Zonal Office at Patna. They should be paid the difference of emoluments of Chief Cashier and Head cashier from the date of giving offer of head cashier Cat. E and to the dates they are given such irrevocable option of Chief Cashiership in junior management Grade Scale I. Their seniority in the Chief Cashier of Banks Junior management grade Scale I are reckoned from the date of actual offer of Head cashier Cat. E given to them. They should be paid the difference of higher amount as they would be entitled in the P.F. They should also get yearly increment and enhanced medical benefit in the officers scale.

The case of the management is that the second promotion policy of 1975 which provides for simultaneous option for the post of Chief Cashier in the Banks erstwhile officers Grade to the Asstt. Cashier selected as Head cashier Cat. E does not provide for simultaneous option for the post of Chief Cashier in the Bank's new officers Grade Scale-I in respect of such selected head cashiers Cat. E. It is only the third promotion policy agreement effective from 1-9-81 which provides for such option in respect of Head Cashier Cat. E who has reached the 9th stage in the clerical scale of pay. The said arrangement has been made applicable to the head cashier Cat. E selected as such between 1-7-79 and 31-8-81 who have reached 9th stage in the clerical pay scale. As the Bank's erstwhile officers Grade E and its senior and superior Grade-D were merged and replaced by the Bank's new officers grade Scale I the stipulation of reaching 9th stage in the Clerical pay scale for eligibility for getting the option in the post of Chief Cashier in Grade-Scale I was made in the third promotion policy agreement effective from 1-9-81 and there was no provision for simultaneous option in the said post unless and until the 9th stage in clerical pay scale has been reached. Although Shri N.P. Sharma was selected as Head Cashier Cat. E in the year 1983 reached the 9th stage in the clerical scale only in the year 1983 and subsequently he was given option for the post of Chief Cashier in the Bank's new Officers Grade scale-I. The service condition of Chief Cashier are to be governed by UCO Bank Officers Service Regulation, 1979. The action of the Bank is not violative of para-VI(4) of the Promotion Policy, 1975, 1-7-79 to 31-8-81 is the period in question when the offer for the post of Head Cashier Cat. E was issued by the Bank to the concerned workmen but the simultaneous option for the post of Chief Cashier in the Bank's erstwhile officers Grade-E as provided in the Promotion policy agreement of 1975 was suspended as the Bank was not legally in a position to give such option. The concerned workmen were all selected for the post of Head Cashier Cat. E during the period 1-7-79 to 31-8-81 as well as they could not be given at the time of their selection Cat. E. The simultaneous option for the post of Chief Cashier in the Bank's erstwhile officer Grade-E. The legal constraints on the part of the management in giving such simultaneous option for the post of Chief Cashier in the Bank's erstwhile officers Grade-E were two fold. Firstly there was injunction granted by the Madras High Court in a Writ petition No. 2252 of 1978. Injunction was subsequently vacated. Secondly the implementation of the Pillai Committee recommended vide United Commercial Bank Officer Service Regulation, 1979 effective from 1-7-79 which replaced the Bank's otherwise officer Grade E, D, C, etc. with new grades in the whole of the Banking

industry at the instance of the Govt. of India. Only after the formulation of a fresh Promotion policy agreement with the workmen union effective from 1-9-81 which provided for the option for the post of Chief Cashier in the Bank's new officers Grade scale-I in respect of the head cashier Cat. E. on reaching the 9th stage in the clerical scale of pay, the Bank extended this arrangement to the head cashier at E also selected as such between 1-7-79 to 31-8-81. Accordingly the concerned workmen were also given duly an option for the post of Chief Cashier in the Bank's new officers Grade scale I after they are having reached 9th stage in Clerical pay scale. The question of giving the concerned workmen simultaneous option for the post of Chief Cashier in the Bank's erstwhile officers Grade-E at the time of their selection as head cashier Cat. E. did not arise as they were not in existence any erstwhile grade-E at that time. The Bank's erstwhile Grade-D and E were already merged and replaced by new officers Grade scale-I with effect from 1-7-79 in terms of United Commercial Bank (Officers) service regulations, 1979. The law envisaged by workmen in the W. S. is based on faulty application of the provision of the promotion policy agreement. If those concerned workmen who were offered the post of head Cashier Cat. E between 1-7-79 to 31-8-81 could be given simultaneous option for the post of Chief Cashier in the Bank's new officers grade Scale-I without reaching 9th stage in the Clerical scale of pay to the such head cashier would be creating a class by themselves also would be favourably discriminated in violation of equity and natural justice against their counterparts selected after 31-8-81. On the above facts it has been prayed that the case of the concerned workmen is not at all justified.

The only point for consideration in this case is whether the concerned workmen were entitled for simultaneous offer for the post of Chief Cashier Grade-E when the offer for the post of Head Cashier Cat. E was given to them during the period between 1-7-79 to 31-8-81.

The workmen examined three witnesses in support of their case. The documents filed on behalf of the workmen have been marked as Ext. W-1 to W-19. The management neither examined any witness nor exhibited any document and they based their case on the documents which were already exhibited on behalf of the workmen.

It is the admitted fact that all the concerned workmen Shri N. P. Sharma and 10 others were working as Asstt. Cashier in the different branches of UCO's Bank in Bihar Region. It is also an admitted fact that the concerned workmen were offered the post of the Head cashier Cat. E between the period 1-7-79 to 31-8-81 and that they were not given irrevocable

option has Chief Cashier Grade-E at the time they were offered the post of Chief Cashier Cat E. The entire dispute in this case is based on the correct interpretation of the Promotion Policy of 1975, Promotion Policy of 1981 and Uco Bank (Officers) service regulation, 1979.

Chapter VI of the Promotion Policy agreement of 1975 deals with promotion of an employee in Clerical Cadre in the cash department and in bank's junior grade for Chief Cashier as the Chief Cashier in the Bank's Officers Grade-D. A(1) provides that all the head cashier Cat. E. and Chief Cashier in the Bank's Grade-E will be eligible for the promotion as Chief Cashier in the Bank's officers Grade- D without any test on the basis of seniority subject to the conditions prescribed under clause B. Such promotion of Head Cashier Cat. E and Chief Cashier in Bank's Grade-E to Bank's Officers Grade- D shall be region wise, or this purpose the region shall be the same as enumerated in Part-II Clause II. Part-II of the Promotion Policy agreement of 1975 provides the procedures for election of persons for duties carrying functional special allowance Clause VI at page-25 of the Promotion Policy agreement 1975 deals with these elections for the post of Head Cashier Cat.E. Sub-clause IV of clause VI provides that "employees who are selected as Head cashier Cat. E. under the Bipartite settlement in accordance with the above provision may be given irrevocable option to choose instead of Bank Junior Grade for Chief Cashier. Those Head Cashier who do not so opt shall continue to be Head cashier in Cat. E under the Bipartite settlement." It is on the basis of this clause that the workmen are claiming that they should have been offered irrevocable option of Chief Cashier when they were offered the post of Head Cashier Cat. C. It is the admitted case of the parties that this promotion policy agreement, 1975 was binding for a period of 3 years from the date of agreement which is 20-5-75 unless it was terminated by either of parties after giving two months notice. It is also admitted that the said agreement had been terminated by the Bank by giving notice on 1-2-78 but subsequently parties agreed to continue to apply its provision till a fresh agreement was arrived at between the parties and another Promotion policy agreement came into force from 1-9-81. The promotion policy agreement of September, 1981 itself provided in para 3-9-2 as follows ;—

"All the head cashier cat. who are appointed on or after 1-9-81 and are continuing to function in such capacity and also those appointed hereafter subject to the disqualification mentioned in para 3-1-2(B) above, will be offered promotion as Chief Cashier in Banks Junior Management Grade Scale-I by giving

them an option for acceptance of Chief Cashiership on the anniversary date of their posting as Head Cashier Cat. E after they have reached 9th stage in the clerical scale of pay which will be inclusive of annual increment falling due for consideration in that calendar year."

Thus before para 3-9-2 of the Promotion Policy agreement of 1981 the Promotion Policy of 1975 was in vogue. WW-3 Shri N. P. Sharma is one of the concerned workmen in his cross-examination he has stated that he was aware that there was a change in the officers service regulations in 1979 that Grade-D and Grade-E were replaced and merged in scale I vide officers service regulation, 1979. He has further stated that the post of Grade-D, was superior to Grade-E in the officers Service Regulation prior to 1979. He has stated that on 1-9-81 the third promotion policy of the management came into force and accordingly the Bank gave them the post of Chief Cashier on reaching the 9th scale of Clerical pay. Thus it will appear from his evidence that the concerned workmen was aware of the change in the officers service regulation in 1979 and that he was given the option for the post of Chief Cashier on reaching the 9th stage of clerical scale in accordance with the para 3.9.2 of the Promotion policy agreement 1981.

The position now remained to be decided whether the concerned workman could have been offered irrevocable option for the post of Chief Cashier Grade-E at the time they were offered the post of Head Cashier Cat. E. Admittedly, all the concerned workmen were offered the post of Head Cashier Cat. E between the period from 1-7-79 to 31-8-81. In order to appreciate that point we have to consider the Uco. Bank (Officers Service Regulations, 1979) which came into force on 1-7-79 Chapter III of the said officers service regulations 1979 provides time of the existing officers and promotees in the new grade and scales of pay. Section 7 of the Chapter III provides that subject to the provision of Regulation 6 the various posts of officers in the Bank on the appointed day shall be categorised as specified in the table below. The table given in Section 7 of Chapter III of the Officers service regulation, 1979 shows that Grade-E and Grade-D of the Officers grade were merged in the junior management Grade scale I. Thus on 1-7-79 there was no post of Grade-E in the junior Management grade scale-I. As admitted by WW-3 it is clear that the post of Grade-D was superior to Grade-E. As the posts of Chief Cashier Grade-E was merged to higher Grade-D by the officers Service Regulations, 1979 from 1-7-79 the concerned workmen could not have been offered the post of Chief Cashier Grade-E as the Grade-E did not exist at the time when the concerned workmen were

offered the post of Head Cashier Cat. E between the period 1-7-79 to 31-8-81. The management could not have offered the higher grade of junior management grade Scale-I to the concerned workmen as the said grade of officers in the scale I was higher than the erstwhile Chief Cashier Grade-E. It was only when the promotion policy agreement of 1981 came into force that the concerned workmen were offered the post of Chief Cashier in Banks Junior Management Grade-Scale I after they had reached the 9th stage in the clerical scale of pay vide para-3.9.2 of the Promotion Policy agreement, 1981. The Uco Bank (Officers) Service Regulation, 1979 had replaced the Bank's erstwhile officers grade E, D, C etc. with new grades in the whole of the Banking industry and hence only after the new promotion Policy agreement, 1981 the option for the post of Chief Cashier in the Bank's New Officers Grade Scale-I in respect of the Head Cashier Cat. E on reaching the 9th stage of the clerical scale of pay was extended to the Head cashiers Cat. E selected between 1.7.79 and 31.8.81. In view of the above the evidence of WW-1, WW-2 and WW-3 is of no importance to establish the case of the workmen.

Ext. W-1 to W-19 are the appointment letters issued the concerned workman. It is stated in the appointment letters that Ext. W-1 issued to the concerned workman Shri N. P. Sharma offering him the post of Head Cashier Cat. E. in para-10 that "Notwithstanding your acceptance of the post of head cashier Cat. E you will have the option to choose Chief Cashiership in the Banks grade under the United Commercial Bank Officers service regulations, 1979, as and when the Bank is in a position to offer the same to you under the said regulation." Thus it was made quite clear to the concerned workman that the option to choose for the post of Chief Cashier in the Banks (Officers) service regulation, 1979 was open and that they could be offered the post of Chief Cashier when the Bank is in a position to offer the same. There is not such to be discussed in respect of W-1 to W-17 as the position disclosed from it regarding the offer of appointment to the concerned workmen are admitted facts.

In view of the discussions made above hold that the management could not have offered the irrevocable option of Chief Cashier officers Grade-E to the concerned workmen when they were offered the post of Head Cashier Cat. E between the period 1-7-79 to 31-8-81.

In the result, I hold that the action of the United Commercial Bank management in not giving simultaneous offer of the post of Chief Cashier Grade-E when the offer for the post of Head Cashier Cat-E was given during the period 1-7-79 to 31-8-81 to the

concerned workmen Shri N.P. Sharma and 10 others is justified and as such the concerned workmen are entitled to no relief.

This is my Award.

I.N. SINHA, Presiding Officer
[No. L-12012/24/86/D-II(A)]

का. आ. 3032 :-- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, देना बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O.3032.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as Shown in the Annexure, in the industrial dispute between the employers in relation to the Dena Bank and their workman, which was received by the Central Government on the 12th October, 1987.

BEFORE SHRI N.A. CHAUHAN, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AHMEDABAD.

Reference (ITC) No. 42 of 1987

Adjudication

BETWEEN

Dena Bank
Regional Office
Near Petrol Pump
Gandhinagar

First party

AND

The Workmen employed under it. Second party
STATE : Gujarat (Ahmedabad)

Industry : Banking

In the matter of termination of services of
Shri R.K. Kataria.

AWARD

This reference under section 10 2(A) (1) (d) of the I.D. Act, 1947, has been referred on behalf of the Central Government by Desk Officer, Ministry of Labour, New Delhi vide its order bearing No. L-12012/607/86-D. II (A) dated. 11-8-87 for determination of the industrial disputes mentioned therein between the parties. The dispute referred to is whether the action of the management of Dena Bank in relation to their Gandhinagar Branch in dismissing from service Shri R.K. Kataria is justified? If not, to what relief is the workman concerned entitled?

2. The order of reference shows that the order referring the dispute to this Tribunal was communicated to the Regional Manager, Dena Bank Gandhinagar. The order also mentioned that the party raising the dispute namely Shri R.K. Kataria shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this Order of reference and also forward a copy of such statement to each one of the opposite parties involved in this dispute. The address of Shri R.K. Kataria or his Union, if there be any, has not been furnished to this Tribunal and, therefore, this Tribunal has not given any intimation about the reference to Shri R.K. Kataria. The intimation about the reference was given to the Dena Bank. The Personnel Officer of the Bank had appeared on 15-9-87 the date on which this reference was placed for hearing. Shri R.K. Kataria has not appeared and he has not filed any statement of claim as mentioned in the order of reference. This Tribunal is not furnished with the address of Shri R.K. Kataria so that this Tribunal cannot intimate him and call upon him to file the statement of claim. The order of reference specifically mentioned that Shri R.K. Kataria would file a statement of claim before this Tribunal within fifteen days. The period of fifteen days has already expired. The intimation of this reference was served to the Bank. Shri R.K. Kataria, as stated earlier, has not filed any statement of claim and hence this Tribunal is not in a position to proceed with this reference for want of address of Shri Kataria. Hence this reference requires to be disposed of for want of non prosecution by Shri R.K. Kataria who had suo moto taken up the responsibility of appearing before this Tribunal to prosecute this reference. Hence I pass the following order :

ORDER

The reference stands disposed of for want of prosecution by Shri R.K. Kataria. No order as to the costs of this reference.
S/d- D.J. Dave

N A CHAUHAN, Presiding Officer
[No. L-12012/607/86-D-II(A)]

Ahmedabad. 22nd September, 1987.

का. आ. 3033—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिन्धीकेट बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-87 को प्राप्त हुआ था।

S.O.3033.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the Syndicate Bank and their workmen, which was received by the Central Government on the 12-11-87.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
SRI B.N. LALGE, B.A. (HONS) LL.B. PRESIDING OFFICER
COURT, BANGALORE

Dated 28th Day of : September 1987

Central Reference No. 63/87

Old Central Reference No. 28/86

First Party	Second Party
The General Secretary, V/s	The Chairman, &
Syndicate Bank Staff	Managing Director
Association,	Syndicate Bank,
Annaradha Building,	Head Office,
Near Ananda Rao	Manipal, PIN-576119
Circle S.C. Road,	
Bangalore-9.	

APPEARANCES

For the first Party Sri. Srinivasa Also. Manager.

For the second party Sri. V.H. Upadhyaya. Advocate.

AWARD

By exercising its powers under section 10(a) d) of the Industrial Dispute Act, the Government of India/Ministry of Labour under order No. L-12012/256/85-D. II (A) dated 31-10-1986 made the present reference on the point of dispute shown below to the state industrial tribunal

POINT OF DISPUTE

“Whether the management of Syndicate Bank is justified in not entrusting Special Assistant duties to S/Shri N.R. Parameswaran and Govind Ram Bhat, Clerks, Port Blair Branch on completion of 3 years service at Port Blair Branch? If not, to what relief the workmen concerned are entitled to ?”

2. By a General order No. L-11025/A/87-D-IV (B) Dated 23-2-1987, the matter was transferred to this tribunal. The reference is at Sl. No. 65.

3. The I party union has filed its claim statement and its contentions in brief are as follows.

(a) A clerk entrusted with the duties of the Special assistant is paid a special allowance of Rs. 456/- p.m. The management has formulated a policy for entrustment of duties of special assistant and a clerk who has completed 6 years of service is eligible for such entrustment. Seniority list is prepared on the basis of length of service and weightage is given for educational qualifications. Seniority list is region wise. It is revised once in 6 months.

Andaman Nicobar Islands are considered as one region. Seniority list is published on 31st March and 30th September. If eligible candidates are not available, the management shall have to invite applications from other regions and postings shall have to be made according to the seniority of such volunteers. Employees who are transferred from a different zone on request will not be considered for such postings for a period of 3 years. If the employee is transferred at the instance of management his seniority stands protected. Sri. N.R. Parameshwaran joined the bank on 2-11-1972. The bank had called for volunteers to serve in Andaman-Nicobar Islands. He was transferred to Port Blair branch on 22-5-1981. He stood second in the list. However, the work of special assistant was entrusted to one Xavier Amalraj, a clerk of Ferrar Ganj branch by an order dated 19-4-1984, even though his name was not in the seniority list as on 30-9-1983 & 31-3-1984. Amalraj had joined the bank on 17-4-1978. Any vacancy that would have arisen on 31-3-1984 should have been given to senior most clerk Parameshwaran as per the list of 31-3-1984. He gets weightage of 3 years and was eligible for entrustment of special assistant duties with effect from 2-11-1979. The management ought to have declared the vacancy on 30-9-1984 and Parameshwaran should have been given the same. By entrusting the said work to Amalraj on 19-4-1984, the management has deprived the rights and benefits to Parameshwaran with effect from 19-4-1984.

(b) Govindram Bhat had joined the bank on 22-1-1979. In response to the circular calling for volunteers to serve in Andaman Nicobar islands, he was transferred to Port Blair branch on 14-1-1982. He is a M.Sc. In 1983 he had completed part I of C.A.I.I.B. On 22-1-1985 he had completed 6 years of service and had acquired 3 weightages. His date of seniority for entrustment of special assistant duties should have been reckoned from 22-1-1976. He had completed 3 years of service in the island branch on 14-1-1985. The management entrusted the duties of special assistant to one Miss. Rathnakumari. Her date of seniority was to be reckoned from 22-4-1976. She had joined the bank on 24-4-1978. The order of Intrustment of work to Rathnakumari, dated 25-4-85 related to the vacancy of the list dated 31-3-85. Since Govind Ram Bhat was eligible on 31-3-1985, he should have been entrusted with that work. It is therefore prayed that Parameshwaran may be deemed as permanent special assistant with effect from 19-4-1984 and he may be given the special allowance at the rate of Rs. 456 per month and Govind Ram Bhat may be deemed as such with effect from 25-4-1985 and may be paid at the rate of Rs. 456 per month from the said date.

4. The management has filed its counter statement and its contentions in brief are as follows:—

5. The claim for entrustment of such duties is untenable. It is only a matter of internal arrangement. No employees can claim any right to such Intrustment. It is not a promotion to any cadre. It is not an industrial dispute. This tribunal has no jurisdiction. The transfer of the employees was on their own request, and was not at the instance of the management. In such a case, their service has to be protected in their own zone. Their transfer was on temporary basis for 2 years. Merely because they worked for 3 years in the island, they cannot claim seniority in their region. Special assistants are required to do different duties then clerical duties and unless they are performed one cannot claim special allowance. The reference may be rejected.

6. In view of the said pleadings the following additional issue is raised, whether the dispute is not an industrial dispute and not maintainable as contended by the II party.

7. The General Secretary of the I party union and the learned Counsel for the II party agreed to adduce evidence by affidavits and file their documents.

8. The affidavits and documents filed by the parties have been admitted in evidence. Ex. W1 to W11 are the documents filed by the I party.

9. The parties have been heard.
My findings on the additional issue and point of dispute are as follows:—

10. Additional Issue :—It is an industrial dispute and the reference is maintainable.

Point of dispute:—The II party is justified in not entrusting them the duties of the special assistant. They are not entitled to any relief.

11. REASONS :

Additional Issue : Section 2 (k) defines "Industrial dispute", a dispute between the employer and the employee connected with the terms of employment or conditions of labour is an industrial dispute. The I party union claims that by virtue of a bipartite settlement, the management was bound to entrust them the duties of special assistant and pay them the required emoluments and since it has not done so, the union is entitled to raise the dispute. The memorandum of bipartite settlement is produced before me. It supports the contention of the I party. There is no force in the contention of the II party that it is not an industrial dispute.

12. Point of dispute :—The I party has contended that Parameshwaran joined the bank on 2-11-72, transferred to Port Blair branch at the instance of the bank on 22-5-1981 and as per Ex. W2 it is further contended that seniority list issued by the island branch as on 31-3-1982 shows that he was eligible for entrustment of the duties of special assistant on 22-5-1984 and that the vacancy filled up by Amalraj on 19-4-1984 should have been given to him. On the other hand the management contends that Ex. W2 is issued by mistake, that his seniority has been protected in his parent zone and that he is not entitled to any relief.

13. Ex. M2 is a letter by Parameshwaran dated 24-2-1981 by which he agreed to get transferred to Port Blair branch. Ex W5 dated 22-1-1981 is a letter addressed to all the clerical staff inviting for applications to go on transfer to Port Blair branch. The offer was made with the assurance that there will be protection of seniority, payment of T.A. etc. and re transfer as early possible after 2 years. Now it requires to be examined as to what is the management meaning of protection of seniority as offered by the I party and as understood and accepted by these employees. In Ex. M2 itself Parameshwaran states that he was prepared to go on transfer without his seniority being affected. Ex. M3 dated 5-5-1984 and Ex. M4 dated 12-2-1986 are his letters to the management. In Ex M3 he states that he stood at Sl. No. 114 as per the seniority list of Bangalore regional office dated 12-2-1981 and he intended to know as to whether his name was in the channel in the Bangalore region. In Ex M4 he states that he was prepared to go on transfer to the places such as Ottamund, Sikandera-bad and Vijayawada if his seniority as in the old Karnataka region is retained. Parameshwaran has not filed any affidavit. The affidavits of the Dy. General Manager and Asstt. General Manager filed for II party disclose that the management promised to protect and it has in fact protected their seniority in their parent regions. The affidavit of Srinivas Also filed for the I party proceeds on the basis that since the transfer was at the instance of the management, the seniority of Parameshwaran and Govind Ram Bhat should have been reckoned from the dates of the transfer to the Port Blair branch and soon after the completion of 3 years of service at Port Blair they should have been entrusted with the duties of special assistant. It is the main contention of the I party that Parameshwaran and Govind Ram Bhat had become eligible for entrustment of special assistant duties well before the said duties were entrusted to Amalraj and Rathnakumari. Appendix B, bipartite settlement on page 82 relating to the entrustment of duties of special assistants was pointed out. Similarly page 9 of the 4th bipartite settlement relating to

filling up of posts of special assistants was pointed out. The question is not regarding eligibility of these two employees but it is whether they could have claimed a superior right in them by virtue of any settlement as against the claim of Amalraj and Rathnakumari, who are the native employees of the island region.

13. Ex. W1 is a forwarding letter to the seniority list Ex. W2. Ex. W2 required to be interpreted in the context of the circulars and letters issued by the II party. Ex. W3 dated 14-7-1983 is a letter by the management to Parameshwaran. It shows that his case for entrustment of permanent special assistant duties will be considered only after 3 years from the date of his transfer to Port Blair branch and the same will be considered if he decides to continue in the islands permanently. Ex. W4 dated 27-10-1979 in clause 5 states that if an employee is transferred at the instance of the management his seniority will be protected in his new zone to which he is transferred.

It further states that in case of an employee who is transferred on his own request, duties of special assistant on permanent basis will be entrusted only after 3 years apart from the eligibility period of 6 years. Protection of seniority in the new zone means if the employee had become eligible for such entrustment in his parent zone, the management was bound to give him such entrustment in the new zone soon after he had become eligible for the same, irrespective of the seniority ranking of the employees in the new zone. In my view the employees cannot derive any strength from Ex W4, Ex W6 deals with the payment of T.A. It has no impact as regards seniority. Ex W7 dated 7-12-1984 is a letter by the management to Parameshwaran and it calls for certain particulars to inform him about his seniority in the Old Karnataka region, Ex W8 is a memorandum of settlement dated 7-12-1985. One of the items mentioned is about publication of seniority list. The management does not dispute that it was bound to publish seniority lists twice in a year. Ex W9 is a letter by the management regarding duties of special assistant. There is a clause that for each region there should be a separate seniority list. There is no contest on that point. Ex W 10 regarding posting of special assistant states that seniority shall be published on 31st March and 30th September every year. The management asserts that it is acting in accordance with the circulars and is used in that connection. Ex W 11 is a letter to the Manager of the Port Blair branch showing that certain vacancies were likely to be provided for the employees of Port Blair to get retransferred. None of these documents nor the affidavit of Srinivas. Also prove that there was any right vested in the employees to claim entrustment of the said work at Port Blair branch. Ex M1 dated 16-10-1984 is a

letter by the management and it indicates that when a clerical volunteer posted to the island branch becomes eligible for posting as a regular special assistant as per the seniority list of his parent region, he should be immediately released from the island branch to take up the post of the special assistant in the parent region. Ex M5 shows that as per the seniority list as on 31-3-1987 of the old Karnataka region Parmeshwaran stands at Sl. No. 6. It is thus obvious that even on 31-3-1987 Parmeshwaran was not eligible to hold the post of special assistant on a permanent basis. Ex M6 dated 5-4-1984 shows on page 13 of the seniority list of clerks as on 31-3-1984. In column No. 9 it specifically shows that Parmeshwaran had joined Port Blair branch on 22-5-1981.

14. Ex M 7 is a circular dated 31-10-1986 enclosed with a seniority list of Belgaum zone as on 30-9-1986. The seniority list contains the names of 50 employees. The name of Govind Ram Bhat is not to be found in Ex M 7 and it means that his seniority is still below 50 persons and he cannot claim the entrustment of the duties of special assistant in Port Blair branch even on 30-9-1986. The affidavit of Sri. Padiar discloses in para 6 that so far Sri. Govind Ram Bhat has not sought for any retransfer from island branch and whenever he becomes eligible for the said post he will be recalled and posted at the Belgaum zone. In para 5 of his affidavit Sri. Padiyar states that since August 1986 Parmeshwaran is working in Mysore main branch. These employees cannot have any grievance since they are at liberty to come back and occupy their respective rankings in their parent regions.

15. From the evidence on record it emerges that there is no strength in the case put forth by the party.

16. In the result, an award is hereby passed to the effect that the management cannot be said to be not justified in not entrusting duties of special assistant to them and that the employees are not entitled to any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me.)

28-9-87.

B. N. LALGE, Presiding Officer.

[No. L-12012/256/85-D.II(A)]

N. K. VERMA, Desk Officer.

नई दिल्ली, 14 अक्तूबर, 1987

का. जा. 3034—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मिलाई स्टील प्लांट की नन्दिनी खानी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-82 को प्राप्त हुआ था।

New Delhi, the 14th October, 1987

S.O. 3034.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nandini Mines of Bhilai Steel Plant and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(101) of 1987

PARTIES :

Employers in relation to the management of Bhilai Steel Plant and their workmen represented through the Secretary, Metal Mines Workers' Union (INTUC), Nandini Mines P.O. Nandini, Dist. Durg (M.P.)

APPEARANCES :

For Workmen—Shri G. P. Shukla, President, M.M.W. Union.

For Management—Shri P. N. Bhojwani, Law Officer (Mines).

INDUSTRY : Iron Ore Mines DISTRICT : Durg (M.P.)

AWARD

Dated, the September 21st, 1987

In exercise of powers conferred under section 10(1)(d) (2A) of Industrial Disputes Act, the Central Government has referred the following dispute vide Notification No. L-26012/50/85-D.III (B), dated the 8th July, 1987 for adjudication to this Tribunal :

"Whether the action of the management of Bhilai Steel Plant is justified in denying the S-4 grade to S/Shri Mohan Lal and M. Prasad, Store Clerks at their Nandini Mines w.e.f. 15-11-1985 ? If not, to what relief the employees are entitled ?"

2. On receipt of reference the parties were directed to file their written statements, documents and list of witnesses on 12-8-1987 but on this date none appeared for the Union and management representative requested for an adjournment and fixing the case at Nagpur.

3. The case was accordingly fixed at Nagpur where again no one appeared for the Union but Shri P. N. Bhojwani, Law Officer (Mines) appeared and stated that the dispute has been settled between the parties. He also filed and verified a memorandum of settlement duly signed by representatives of both the parties. The terms of settlement are as under :

(a) Agreed that Shri Mohanlal and Shri M. Prasad, Store Clerks, will be promoted to the post of Store Clerks (N-4) w.e.f. 30-6-1985 and necessary arrears will be paid to them.

(b) Necessary orders will be issued by 30-9-1987.

(c) This is in full and final settlement in respect of all claims arising out of the instant dispute.

4. I have gone through the terms of settlement and I am satisfied that the settlement is mutual, lawful and in the interest of workmen. I, therefore, accept the same and pass the award in terms of the above settlement without any order as to costs.

V. S. YADAV, Presiding Officer
[No. L-26012/50/85-D.III (B)]

V. K. SHARMA, Desk Officer

का. जा. 3035—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मंसरी रातो सीमेंट लिमिटेड विष्णुपुरम के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-87 को प्राप्त हुआ था।

S.O. 3035.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Raasi Cement Limited, Vishnupuram and their workmen, which was received by the Central Government on the 1st October, 1987.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD**

Industrial Dispute No. 106 of 1984

BETWEEN

The Workmen of Raasi Cement Limited Vishnupuram,
Nalgonda District A.P.

AND

The Management of M/s. Raasi Cement Limited, Vishnupuram, Nalgonda (A.P.)

APPEARANCES :

Sri G. Bikshapathi, Advocate—for the Workman.

Sarvasri A. Krishna Murthy and P. Nageshwara Sreeni-
Jt. Hon. Secretaries of A.P. Federation of Chambers
of Commerce and Industry, Hyderabad—for the
Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-29012/9/84-D.III(B), dated 12-12-1984 referred the following dispute which arose between M/s. Raasi Cement Limited, Vishnupuram and Sri Md. Abdul Ghani, Dumper Operator of the Raasi Cements under Sections 7-A, 10(1)(d) and 2-A of the Industrial Disputes Act, 1947, for adjudication. The reference is as follows :

“Whether the action of the management of Messrs Raasi Cement Limited, P.O. Vishnupuram (Wadapally)-508 355, District Nalgonda (AP) in dismissing Sri Mohd. Abdul Ghani, Dumper Operator, from service with effect from 6-8-1983 is justified? If not, to what relief is the said workman entitled?”

The reference was registered as Industrial Dispute No. 106 of 1984 and notices were issued to both the parties. They appeared.

2. The charge is that on 7-4-1983 the charged workman reported to duty for the shift between 4.00 p.m. to 12.00 midnight and that around 9.00 P.M. he went to the main gate of the factory in a drunken state and wanted to enter into the factory and that the Assistant Security Inspector refused to allow him inside the factory and that the charged workman spoke in a disrespectful, arrogant and rude manner shouting in a loud voice and that he created bad scene in front of the main gate and that affected not only movement of the lorries but also discipline at the factory Time Office and therefore the charged workman is liable for misconduct under Clauses 17-1(e)(r) of the Industrial Employment Standing Orders (Central) Rules. Subsequently the Management changed the charges as punishable under Clauses 14(3)(a) and (b) in their letter No. RCL/A&LD/83, dated 23-4-1983.

3. The Workman filed claim statement before this Tribunal. He stated that his case is sponsored by the Union which is the petitioner in this dispute. The workman is an active member of the Union. He stated that he was appointed as Dumper Operator in the Company. The workers are given authorisation for entering and performing duties in the Mine area. He was discharging his duties to the utmost satisfaction of the superiors. He was on duty on 7-4-1983 mid-night shift which covers the period from 4.00 p.m. to 12.00 midnight along with three Operators. The shovels were under repairs. The Mine Manager informed the petitioner that there was no work and that two Dumper Operators shall be available for Transportation of clinkers at the factory. The petitioner left without attending to duty. He did not sign the Attendance Register. However he wanted to find out whether Sri Ali who is his colleague was working in the factory. He wanted to go inside the factory for that purpose. The Assistant Security Inspector stopped him at the gate and refused to allow him inside. The Inspector insulted the petitioner

in a humiliating manner. He warned the petitioner that he would not be in service if he continued in the petitioner's Union.

4. To his surprise he received a charge sheet dated 8-4-1983 alleging that he committed misconduct under Clause 17(e) and (r) of the Model Standing Orders for Coal Mines. Subsequently the charges were amended and it was stated that he committed misconduct under Clauses 14(3)(a) and (b). He submitted his explanation denying the charges as they were fictitious and concocted to victimise him. He was neither drunk nor did he abuse any body during the duty hours. However farce enquiry was conducted. The Enquiry Officer acted in a prejudicial manner. The petitioner was denied reasonable opportunity at every stage at the enquiry. Formal show cause notice was issued. Without considering his explanation he was dismissed from service by an order dated 2-8-83.

5. The Union took up the matter to the conciliation authorities. No settlement was arrived at. Hence the reference. The order of dismissal dated 2-8-1983 is illegal and invalid for the following grounds :

- (1) The charge is vague and no specific charges were framed.
- (2) The workman was not supplied with the documents, on which the charges were framed. The Management obtained statements behind the back of the workman on 2-4-1983. The copies were not furnished.
- (3) The entire enquiry is farce. He was not given opportunity effectively to cross examine the witnesses. The proceedings were conducted in English which he could not understand. The records are in English. Translation of the documents in Urdu was not given. He was informed that he could not take the assistance of the Trade Union Executive Member. Hence the principles of natural justice are violated.
- (4) The findings of the Enquiry Officer are reverse and based on no evidence.
- (5) The Management had determined to dismiss the workman. The explanation was not considered before passing the impugned order.
- (6) The Management did not follow the provisions of Clause 14(5) of the Standing Order. The Management should have taken into account the gravity of misconduct to the previous record and other circumstances in awarding punishment. Hence the dismissal order is bad in law.
- (7) The charges are inapplicable. Neither there was any order of the superior nor did he disobeyed them. There was no disorderly behaviour as alleged even according to the evidence. He did not enter the factory premises. The alleged incident took place outside the factory premises. Further he was not on duty on 7-4-1983. Therefore there is no misconduct. As the alleged misconduct was committed outside the factory, Police is the proper authority to take cognisance if any.
- (8) The action is purely vindictive. He is victimised for his trade union activities.
- (9) He is not guilty of any charges. The evidence on record does not bring for h misconduct.
- (10) The punishment of dismissal is too severe and gross disproportionate to the gravity of the misconduct, if any.

6. The petitioner is dismissed illegally. He is unemployed and could not secure alternate employment inspite of his best efforts.

7. He prayed to declare the order dated 2-8-1983 illegal and to direct the Management to reinstate the workman with full back wages and other attendant benefits and other reliefs.

8. The Respondent-Management filed counter. They stated that the petition is not maintainable and is liable to be dismissed in limine. The allegations in the claim statement are not correct. The reference itself is bad in law and is

liable to be set aside. The petitioner-workman committed several acts of misconduct. Even in the period of probation, his performance was also very poor. On 21-7-1982 he caused severe damage to dumper No. 3. However he was warned with a direction not to repeat such acts. The petitioner was appointed on 1-12-1981. He was on probation for one year. His period of probation was extended from time to time. Even at the time of dismissal he was on probation. Therefore he has no lien over the post. Therefore the reference is liable to be rejected on this ground alone.

9. On 27-7-1982 the petitioner caused damage to Dumper No. 3 by not operating and placing PTO drive gear shift in lever properly in position and by forcing hydraulic to unload. Due to that act the Company sustained Rs. 30,000.00 loss. The Mine Manager issued Memo No. RCL/MM/charge sheet dated 29-7-1982. The Management could have dismissed the petitioner on the above two grounds. But a lenient view was taken. His probation period was extended upto 1-3-1983. The petitioner was irregular in his duties. He used to absent himself without prior intimation which affected the manufacturing process. The Petitioner applied for leave and subsequently remained absent from duty from 10-1-1983. When an employee absents for more than eight consecutive days he is deemed to have abandoned his employment. A Memo dated 27-1-1983 was issued to the petitioner. In that it was stated that if the petitioner did not report for duty before 31-3-1983 it would be deemed that he abandoned the service. After receiving his Memo the petitioner reported to duty with medical certificate. Again his probation was extended upto 1-9-1983. The petitioner attended the midnight shift on 7-4-1983. Sarvasri Ali Saheb, B. R. S. Unitham and Ch. Suryanarayana Raj also attended the said shift. They were directed by the Mines Manager to proceed to the factory to transport clinker by using dumpers. The Petitioner approached the factory main gate around 9.00 P.M. in a drunken state. As such the Assistant Security Inspector refused to allow the workman to enter inside the factory. He behaved in a disorderly and riotous manner and created very bad scene. The petitioner was taken to the Company Medical Officer. The Medical Officer after examining the petitioner decided to have a further opinion from the Government Medical Officer. The petitioner was taken to the Government Hospital, Miryalguda around about 11.30 P.M. The Medical Officer gave certificate to the effect that the petitioner consumed alcohol and was under its effect. The Petitioner was issued charge sheet dated 8-4-1983. The petitioner gave explanation dated 21-4-1983 denying the allegations. The matter was entrusted to the Enquiry Officer. Full opportunity was given to the petitioner by the Enquiry Officer during the domestic enquiry. The petitioner cross examined the witnesses. He did not raise any objection to the enquiry proceedings at any stage. The Enquiry Officer submitted his report in which he found that the charges were proved. The management carefully considered the report of the Enquiry Officer and found the petitioner guilty of the misconduct. Show cause notice dated 27-5-1983 was issued to the petitioner to show cause why he should be dismissed from service. The petitioner gave his explanation. After considering the explanation the petitioner was dismissed from service with effect from 6-8-1983 by an order dated 2-8-1983. The action taken by the Management is legal, valid bona fide and justified.

10. It is not correct to say that the petitioner is an active member of the Petitioner-Union. It is not correct to say that he was discharging his duty to the full satisfaction of the superiors. It is not correct to say that he did not attend duty on 7-4-1983. The petitioner himself admitted in his explanation to the charge sheet. He attended the duty on that day. Sri Unitham also stated that the petitioner attended duty on that day. The petitioner might have left with out signing the attendance register. This does not mean that he did not attend the duty on that day. The allegation that the Assistant Security Inspector stopped the petitioner and behaved in a rude manner and insulted the petitioner is not correct. It is not correct to say that the charges are false and fictitious and issued to victimise him. The petitioner participated in the domestic enquiry and cross examined the witnesses. Full opportunity was given to the petitioner. It is not correct to say that the charge is vague and no specific charges are framed. Again the allegation that the statements of the other workmen were taken behind his back is false. The petitioner did not ask for any documents. Therefore the question of supplying documents does

not arise. He was supplied with the findings of the Enquiry Officer along with the final show cause notice. The finding of the Enquiry Officer are based on legal evidence. It is not correct to say that the Management was bent upon dismissing the petitioner. He was dismissed from service taking into consideration the gravity of the misconduct. His previous record and other extenuating circumstances are aggravating circumstances. There is no question that the Management being vindictive and the petitioner was victimised. The punishment award is not severe and is not disproportionate to the gravity of the misconduct. The petitioner was gainfully employed. The present claim is made only to harass the Management. The Petitioner is not entitled to claim reinstatement with back wages. The Management lost confidence in the petitioner. In case this Tribunal comes to the conclusion that the petitioner is entitled for relief, no reinstatement may be given, only compensation amount to three months' salary may be given. Hence they prayed that the Tribunal may be pleased to declare that the petitioner is not entitled for any relief as prayed for in the petition and award cast to the Management.

11. Neither party examined any witnesses. However the documents of the Management were marked by consent as Exs. M-1 to M-22 on behalf of the Management. The workman did not mark any documents. Both sides addressed this Tribunal basing on the records available.

12. Now the point for consideration is whether the action taken by the Management is correct.

13. The question whether domestic enquiry was proper was decided by this Tribunal as a preliminary issue. This Tribunal held by its order dated 29-11-1985 that the Enquiry Officer was independent and unbiased. Full opportunity was given to the workman. He was allowed to cross examine the Management witnesses. Copies of the documents were also supplied to him. This Tribunal perused the entire record carefully and held that the enquiry was done in a fair and proper manner after giving reasonable opportunity to the petitioner concerned. Therefore at this stage we are not seized of the question whether the domestic enquiry was proper or not.

14. There is no dispute that the petitioner was employed as Dumper Operator on 1-12-1981. The allegation against the petitioner is that he attended the night shift on 7-4-1983 fully drunk. He went to the factory main gate at about 9.00 P.M. He wanted to go inside the factory. The Assistant Security Inspector refused to allow him to go inside the factory after seeing the condition of the petitioner. Thereupon the petitioner behaved in a disorderly and riotous manner and created a very bad scene in front of the main gate of the factory. He abused the management in Telugu and used vulgar language. This constituted misconduct by virtue of Clause 14(3)(a) and (b) of the Model Standing Order. Ex. M-1 in the original charge sheet. Ex. M-3 is the amended charge sheet. The explanation given by the petitioner is marked as Ex. M-2.

15. The petitioner took a stand that on 7-4-1983 he took his salary and went home. He did not sign the attendance register and did not attend the duty. He applied for leave on 7-4-1983, 8-4-1983, 9-4-1983. He took Doctors certificate on 9-4-1983. He had pain in the back. He got himself admitted in Nagariuna Sagar Hospital on 10-4-1983. He was in hospital till 17-4-1983. His contention is that he did not attend duty on 7-4-1983 and therefore there is no question of his misconduct. This assertion cannot be taken as correct. There is ample evidence to show that the petitioner attended duty for the shift between 4.00 p.m. to 12 mid-night on 7-4-1983. Admittedly Sri Madhuria, B. R. Unitham, Sri Shaik Ali Saheb, Ch. Suryanarayana are co-workers of the petitioner. Their statements were recorded on 7-4-1983 itself. They are marked as Exs. M-19, M-20, M-21 and M-22. In these statements they clearly stated that the petitioner attended duty for he night shift. After some time they could not see the petitioner. Further there is a consistent evidence of Sri V. Ravi, Mines Manager, Assistant Security Inspector Sri J. Madhuria, Mines Foreman, Dr. N. G. Ajai Kumar who categorically stated that the petitioner attended duty on 7-4-1983 from 4.00 p.m. to 12 in night shift. In view of this consistent evidence it should be held that the petitioner attended duty on 7-4-1983 for the shift between 4.00 p.m. to 12.00 mid-night. The statement of the petitioner contra cannot be believed.

16. The main allegation is that the petitioner was fully drunk. He went to the Time Office at about 9.00 P.M. and wanted to go inside the factory. Seeing the drunken condition of the petitioner the Assistant Security Inspector did not allow him to enter the premises. Then the petitioner behaved in un-ruly manner and abused the Management in Telgu which constituted misconduct as per Clause 14(3)(a) and (h) of the Model Standing Orders. The Management examined V. Raju who is the Mine Manager. He is not direct witness to the incident. He stated that at about 9.30 P.M. he received a message that the petitioner came to time Office in a drunken condition and he was in un-balanced manner. He went to the Time Office. However on the way he saw the petitioner, Personnel Officer and Medical Officer at the Hospital. The Security Guard and Time Keeper explained the misbehaviour of the petitioner. He went to the quarry at about 11.00 p.m. and recorded the statement of Mine Foreman and other three Operators. The statement of Madhuria is marked as Ex. M-1 (M-19), the statement of B. R. S. Unithan is Ex. M-2 (Ex. M-20) the statement of Ch. Suryanarayana is Ex. M-3 (Ex. M-22) and the statement of Ali Saheb is Ex. M-4 (Ex. M-21). The evidence of this witness is of a corroborating nature. However the Management examined the Assistant Security Inspector who is direct witness in this case. He stated that on 7-4-1983 he was on duty from 6.00 p.m. to 2.00 a.m. At about 9.00 p.m. the petitioner came to the gate fully drunk and wanted to enter the factory. He smelt that the petitioner had consumed alcohol and refused to allow him inside the factory. He requested the petitioner to go away. Then the Petitioner asked him to give it in writing. He told the petitioner that he cannot allow him to enter the factory under condition in which he was. The petitioner was creating disturbances at the gate, the work at the gate was dislocated due to unruly behaviour of the Petitioner. He abused the Management in Telugu. He was talking in disrespectful and arrogant manner. They took him to the Medical Officer in a vehicle. Company Doctor suggested that the petitioner be taken to Government Hospital, Miryalguda. Then they went to the Government Doctor at Miryalguda. In cross examination this evidence was not discredited with regard to the fact that the petitioner had consumed liquor and had behaved in unruly manner.

17. There is ample evidence to show that the petitioner was drunk at that time. Company Doctor was examined by the Management. He stated that the petitioner was brought to him at about 9.45 P.M. on 7-4-1983, to verify whether the petitioner was drunk. He examined the petitioner, the petitioner was in an excited mood. He was smelling alcohol. There was bad breath of alcohol. His speech was struttery. He wanted to take blood examination. The petitioner refused to give blood. The Doctor wanted to have second opinion. Therefore the petitioner was taken to the Civil Surgeon at Miryalguda. He gave requisition. Civil Surgeon Government Hospital Certificate revealed that the petitioner consumed alcohol but was not under full effect. In cross examination he stated that the petitioner was in an excited mood. The Doctor of Miryalguda Government Hospital saw the petitioner physically and asked some question. The Petitioner did not misbehave with the Doctor at Miryalguda. That part there is clinching admission by the petitioner himself. In his evidence before the Enquiry Officer he stated that he used to drink now and then. On 2-4-1983 he took some toddy. This clear admission is enough to come to the conclusion that the petitioner was drunk as alleged by the Management. As far as rude behaviour is concerned there is reliable evidence of Assistant Security Inspector who is the direct witness to the incident. Therefore, there is no doubt that the petitioner is guilty of misconduct. The Management could bring out the guilt of the accused within four corners. Clause 14(3)(a) and (h) of the Model Standing Orders. The Management chose to terminate the services of the petitioner with effect from 6-8-1983 by their order dated 2-8-1983. Now the question is whether the termination is justified on the facts of the case.

18 The Management did not prove similar misconduct of the petitioner for earlier period. There is no evidence to show that the petitioner was guilty of continuous misconduct. It is stated in the counter about the Memo issued to the Petitioner. They are not subject matter of the enquiry. There is no evidence on record to prove those allegations. The records establish solitary misconduct. The Assistant Civil Surgeon, Government Hospital, Miryalguda stated that

the petitioner was drunk but was not under full effect. This indicates that the petitioner might have consumed toddy etc. before considerable time. As the Management could not prove the fact that the petitioner was prone to continuous misconduct, the punishment awarded in my view is severe. The dismissal or termination is extreme punishment which can be awarded as the ultimate measure. It is well recognised principle of jurisprudence which permits penalty to be imposed for misconduct and that the penalty must be commensurate with the gravity of the offence charged. In Kama Kant Misra v. State of Uttar Pradesh (AIR 1982 S.C. page 1552). The Supreme Court held "where what was alleged against the delinquent workman was that the language used by him disclosed a threatening posture, though indiscreet, improper, abusive language may show lack of culture but merely the use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blame worthy conduct during 14 years of service, would not permit an extreme penalty of dismissal from service and interference by the Supreme Court would be warranted when the Labour Court upheld the punishment. In such a situation withholding of two increments with future effect will be more than adequate punishment for a low paid employee".

19. Considering the ratio of the above decision, it should be held that the punishment of termination is certainly disproportionate to the gravity of the misconduct. Therefore I award the punishment of withholding one increment with future effect.

20. The petitioner behaved in a rude and unruly manner in a drunken state, such a behaviour cannot be encouraged. Therefore I order for reinstatement of the petitioner without back wages.

21. In the result, the Management is not justified in dismissing Sri Mohd. Abdul Ghani, Dumper Operator from service with effect from 6-8-1983. The petitioner is entitled for reinstatement but without back wages. The petitioner also is awarded the punishment of stoppage of one increment with future effect but he is entitled to continuity of service and all other attendant benefits.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 18th day of September, 1987.

Appendix of Evidence

Witnesses Examined

for the Management :

NIL

Witnesses Examined

for the Workmen :

NIL

Documents marked for the Management by Consent

Ex. M-1—Charge Sheet No RCL/A&LD/83/1049, dated 8-4-83 for reply to duty in drunken state.

Ex. M-2—Explanation of the Workman dated 21-4-83.

Ex. M-3—Letter No. RCL/A&LD/83, dated 23-4-1983 informing about the change in the clauses.

Ex. M-4—Proceedings of the enquiry held on 26-4-83.

Ex. M-5—Report of the enquiry officer.

Ex. M-6—Final Show cause notice No. RCL/A&LD/83 dated 27-5-83 and the proposed punishment of dismissal.

Ex. M-7—Letter No. RCL/A&LD/83, dated 8-6-83 informing the workman to collect the letter of proposed punishment of dismissal and the subsistence allowance due to him.

Ex. M-8—Explanation submitted by the workman to the final show cause notice on the proposed punishment of dismissal.

Ex. M-9—Order of dismissal No. RCL/A&LD/83/134, dated 2-8-83

- Ex. M-10—Letter No. RCL/A&LD/649, dated 27-1-83 issued to the workman for remaining absent for more than 8 consecutive days.
- Ex. M-11—Factory Medical Officers' Examination Report about the workman's drunken condition.
- Ex. M-12—Report of the Civil Surgeon, Miryalguda about the drunken condition of the workman.
- Ex. M-13—Charge Sheet dated 29-7-82 for causing damage to the P.T.O. drive gear and the left rear inner tyre of the dumper.
- Ex. M-14—Letter No. RCL/A&LD/83, dated 1-1-83 extending the probation of the workman.
- Ex. M-15 Letter No. RCL/A&LD/83, dated 28-2-83 extending the probation of the workman upto 1-9-83.
- Ex. M-16—Attendance register of Mines Employees for the month of March, 1983.
- Ex. M-17—Attendance register of Mines Employees for the month of April, 1983.
- Ex. M-18—Pay Slip of workman for April, 1983.
- Ex. M-19—Statement of Sri Maduriah, Foreman given on the day of the incident i.e. on 7-4-83.
- Ex. M-20—Statement of Sri B. R. S. Unithan, Co-employees of the workman given on 7-4-83.
- Ex. M-21—Statement of Sk. Alisaheb, Co-employee of the workman given on 7-4-83.
- Ex. M-22—Statement of Srinjanarayana Raju, Co-employee of the workman given on 7-4-83.

Documents marked for the Workmen.

NIL

Dt. 25-9-87

K. B. SIDDAPPA, Industrial Tribunal
[No. L-29012/9/84-D III (B)]

का. आ. 3036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, सिंगरेनी कोलियरीज लि. रामाकृष्ण पुरम विभाग दु पोस्ट श्रीरामपुर, (बया मनचेरियाल, जिला अदिलाबाद (एपी) के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-87 को प्राप्त हुआ था।

S.O. 3036.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Ramakrishnapur Division-II, P.O. Srirampur, (Via) Mancheriah, Adilabad (A.P.) and their workmen, which was received by the Central Government on the 28th September, 1987.

**BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD.**

Industrial Dispute No. 36 of 1986.

BETWEEN

The Workmen of Singareni Collieries Company Limited, Ramakrishnapur Divn. II, P. O. Sreerampur (Via) Mancheriah, Adilabad District. (A.P.)

AND

The Management of M/s. S.C. Co. Ltd., Ramakrishnapur Division-II, P.O. Sreerampur (Via) Mancheriah, Adilabad District. (A.P.)

APPEARANCES :

S/Sri A. K. Jayaprakash Rao, P. Damodar Reddy, Ch. Lakshminarayana and Miss C. Shailaja, Advocates for the Workman.

AND

Sri K. Srinivasa Murthy and Miss G. Sudha and Miss V. Usha Rani, Advocates for the Management.

AWARD

The Government of India in the Ministry of Labour, by its Order No. L-21012/5/85-D.III(B) dated 8/14-8-1986, referred the following dispute under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the workman and the Management of Singareni Collieries Company Limited, Ramakrishnapur Divn. II, P. O. Sreerampur to this Tribunal for adjudication.

"Whether the management of M/s. Singareni Collieries Company Limited, Ramakrishnapur Divn. II, P.O. Srirampur (Via) Mancheriah, Distt. Adilabad (A.P.) are justified in not confirming Shri S. V. Prasad as Fitter Category VI at R. K. 6 Incline. If not, to what relief the concerned workman is entitled?"

The reference was registered in this Tribunal as Industrial Dispute No. 36 of 1986.

2. The notice Dt. 22-8-86 was issued to the President, Singareni Collieries Engineering Workers' Union, Ramakrishnapur to file the Claims Statement of the concerned workman on or before 19-9-1986, but no claims statement was filed till 15-12-86. On 15-12-86 Sri A. K. Jayaprakash Rao, Advocate filed his Vakalat for the workman. The matter was adjourned to 31-12-86 for filing the workman's Claims Statement. The I. D. was adjourned from 31-12-86 to 27-3-87 for workman's claims statement. Neither the Advocate for the workman nor the concerned workman had filed the Claims Statement. On 27-3-87 Sri J. Durgaiiah, General Secretary, Singareni Collieries Miners and Engineering Workers Union was present and filed a memo seeking time for filing Claims Statement. Therefore time was granted upto 4-4-87 for filing the same. On 4-4-87 Sri A. K. Jayaprakash Rao, Counsel for the workman was present and requested some more time for filing the claims statement. Time was therefore extended till 28-4-87, but no claims statement was filed till 14-9-87. M. K. Srinivasa Murthy, Advocate filed his Vakalat for the Management.

3. On 14-9-87 the concerned workman or his representative or his counsel was not present. Since even after giving sufficient number of adjournments, the workman has neither preferred to file his claims statement till date, nor was he represented properly. I feel that the concerned workman is not interested in contesting the matter for the reasons best known to him. Hence the reference is terminated after giving full and fair opportunity to the workman and this Award passed accordingly and the workman are not entitled to any relief.

Dictated to the typist, corrected by me and given under my hand and the seal of this Tribunal this the 14th day of September, 1987.

Appendix of Evidence.

NIL

Dt. 23-9-87.

K. B. Siddappa, Industrial Tribunal
[No. L-21012/5/85-D. III(B)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 16 अक्टूबर, 1987

का. आ. 3037.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैंगलूर विस्ववाराह इयरन और स्टील लि. के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-87 को प्राप्त हुआ था।

New Delhi, the 16th October, 1987

S.O. 3037.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visweswaraiiah Iron and Steel Limited and their workmen, which was received by the Central Government on the 6th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT BANGALORE

Dated : 25th Day of : September 1987

SRI. N. LALGE, B.A. (HONS) LL.B Presiding Officer

Central Reference No 93/87

First Party

Sri. Kempaiah, Gangman (Late)

(Legal representatives have
not mand steps to come on
record).

"M No. 202540/051 Bhadigund

Lime Stone Mines VISL

Bhadravathi, Karnataka.

Vs.

Second Party

Chairman-cum Managing

Director-MIS VISL

Bhadravathi,

Karnataka.

APPEARANCES :

For the first party—No representation.

For the second party—Sri B. G. Prabhakar, Advocate.

AWARD

By exercising its powers under section 10(1)(d) of the I.D. Act, the Government of India/Ministry of Labour made the present reference on the following point of dispute : it is under order No. L-26012/37/85-D III(B) dated 24-4-1987.

POINT OF DISPUTE

"Whether the termination/discharge of Sri. Kempaiah, Ex-Gangman, Bhadigund Lime Stone Mine, Bhadravathi on 31-8-1984 by the management of Visweswaraiiah Iron and Steel Limited, is justified ? If not, to what relief is the workman entitled ?"

2. After the reference was received by this Tribunal notices were issued to the parties. The notice sent to the first party workman was returned with an endorsement that he had expired.

3. Thereupon the names and address of his legal representatives were ascertained from the Assistant Labour Commissioner K.C.F. and notices were sent to them.

4. On 20-7-1987 Sri Kempaiah, a son of the deceased appeared and prayed for time to file the claim statement. Thereafter he never turned up again and ultimately their right to file the claim statement was forfeited.

5. Thereupon the second party was called upon to file its statement. It has filed its statement.

6. Briefly stated the statement of the second party, reads as follows :—

- (a) There was no termination of service of the workman Kempaiah. On the basis of the information furnished by him, he was superannuated from service. He joined as a gangman in 1968. He did not give his date of birth at the time of joining. He was called upon to give his date of birth in 1971. He gave his age as 45 years in 1971 and an order was passed accepting the same. It was not recorded in his service register, by mistake. The mistake came to light in 1977 and again he was called upon to furnish the details regarding the date of his birth. He submitted the order of the management dated 14-8-1971 showing that his age as 45 years was accepted at that time. He was permitted to retire on 14-8-1984, on attaining the age of superannuation. He had accepted the memo dated 4-3-1983 and accordingly he was retired on 31-8-1984. The reference may be rejected.

7. The second party was permitted to adduce evidence by affidavits.

8. The affidavit of G. K. Murthy, the manager (legal) of the second party has been filed. It shows that in 1971 he was called upon to furnish the particulars of his date of birth and then he gave his age as 45 years and it was accepted. The affidavit further discloses that by oversight it was not recorded in his service register and when it was noticed in 1977, he was again asked to give the particulars and that at that time he produced the order of the management dated 14-8-1971. The affidavit further proves that the management then issued a memo dated 4-3-1983, permitting him to retire on 14-8-1984 the date of his superannuation, and that he accordingly retired on that day. The legal representatives of late Kempaiah have not filed any claim statement nor produced any evidence to show that the services of Kempaiah were terminated or that he was discharged from service and that it was illegal and that they are entitled to get any relief. The evidence on record proves that the management was justified in superannuating him in accordance with the age given by himself and that it is not a case of termination of services or discharge.

9. In the result an award is passed to the effect that it is a case of retirement on attaining the age of superannuation and not a case of termination or discharge, of Sri Kempaiah, Ex-Gangman of the second party with effect from 31-8-1984 and that the legal representatives of the said late Kempaiah are not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer

[No. L-26012/37/85-D.III(B)]

का. आ. 3038—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयल एंड नैचुरल गैस कमीशन, बड़ौदा के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-87 को प्राप्त हुआ था।

S.O. 3038.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Baroda and their workmen, which was received by the Central Government on the 6th October, 1987.

BEFORE SHRI C.G. RATHOD, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT AHMEDABAD

Reference (ITC) No. 36 of 1987

Adjudication :

BETWEEN

Oil and Natural Gas Commission Baroda.

AND

The Workmen employed under it.

In the matter whether the action of the management of ONGC Baroda in not promoting Shri V.A. Joshi as Chargeman w.e.f. May, 1979 on the recommendations of DPC held on 25-10-78 is justified ? If not, to what relief Shri Joshi is entitled ?

STATE : Gujarat Baroda

Industry : Oil & Gas

AWARD

By an order No. L-30012/6/85-D.III(B) dated 12-6-1987 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, the Under Secretary, Government of India, Ministry of Labour, New Delhi has referred the dispute between the Oil and Natural Gas Commission

(Western Region), Baroda and its employee namely Shri V. A. Joshi. The dispute referred to is whether the action of the management of ONGC Baroda in not promoting Shri V. A. Joshi as charge-man w.e.f. May, 1979 on the recommendations of DPC held on 25-10-78 is justified? If not, to what relief Shri Joshi is entitled?

After this reference was received, notices were issued to the Union as well as to the management. The notices were duly received and the acknowledgements are at Ex. 3 & 4.

By the notice vide Ex. 2, the Union was asked to file its statement of claim on or before 17-7-87. It appears that the matter was fixed on 17-7-87 and thereafter on 30-7-87 and thereafter on 7-8-87, but no one has appeared on behalf of the Union on any of the dates. Moreover, they have not filed the statement of claim and as such on 7th August, 1987 Mr. G. N. Parikh, Administrative Officer for ONGC has stated that he has attended the Tribunal, but nobody was present on behalf of the Union and he has also prayed orally that the matter be disposed of. I have also waited thereafter for some time. Nobody has appeared on behalf of the Union and there appears that the Union is not interested in proceeding with the reference. I, therefore, propose to dispose it of and hence the order.

ORDER

The reference is hereby disposed of for want of necessary prosecution by the Union. No order as to costs.

C. G. RATHOD, Presiding Officer
[No. L-30012/6/85-D.II (B)]

Sd./-

G. J. Dave.

Secretary

Ahmedabad, 18th September, 1987.

का. आ. 3039.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सिंगरेनी कोलियरीज कं. लि. बेल्लाम पल्ली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-10-87 को प्राप्त हुआ था।

S.O. 3039.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Bellampalli and their workmen, which was received by the Central Government on the 6th October, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 85 of 1984

BETWEEN

The Workmen of Singareni Collieries Company Limited,
Bellampalli (P.O.), Adilabad District (A.P.).

AND

The Management of Singareni Collieries Company
Limited, Bellampalli (P.O.), Adilabad District.

APPEARANCES :

Sri K. Srinivasa Murthy, Miss G. Sudha and Shri H. K. Saigal, Advocates—for the Management.
None—for the workman.

AWARD

The Government of India, Ministry of Labour & Rehabilitation, New Delhi through their proceeding No. L-22012(43)/4-D. III(B), dt. 20-11-1984 referred the dispute which arose between the Management of Singareni Collieries Company Limited, Bellampalli and Sri R. Rajaiah, Turner for adjudi-

cation to this Tribunal under Section 7A, 10(1)(d) of (2A) of the Industrial Disputes Act, 1947. The reference is as follows :

"Whether the action of the management of Singareni Collieries Company Limited, Bellampalli in not promoting Sri R. Rajaiah Turner, from Category IV to Category V w.e.f. 1-9-80 along with other co-workers is justified? If not, to what relief is the workman concerned entitled?"

The reference was numbered as I.D. No. 85/84 and notes were served to the parties.

2. The workmen filed claim statement. He stated that he was appointed as Turner Category IV with effect from 1-8-1977 by office order No. AGM/BPA/33A/3323 d 21/30-7-1977. He was performing his duties efficiently and properly. He completed the period of three years by 1-8-80 and became eligible for promotion thereafter. There are no adverse remarks against him. His work attendance and conduct remained good. There were no complaints whatsoever. Hence so, the Management promoted workman belonged to Category IV. However he was isolated and discriminated and no promotion was given to him. He does not know as to the reason why he was not promoted to higher category. The workman moved the grievance procedure and exhausted all the stages. He did not receive any response from the Management. Even during the grievance procedure, he was not informed of any adverse report against him. However the Management came to the theory that he was not promoted as the Divisional Engineer (Workshop) gave adverse report against him. He worked honestly and efficiently. He was never awarded any punishment not even Memo was served on him. He was not communicated with any adverse remarks. The superior officers never found his work unsatisfactory. Therefore withholding of the promotion with effect from 1-8-1980 is unjustified and amounts to unfair labour practice. Hence he prayed that this Tribunal may be pleased to declare that the action of the Management in not promoting him from Category IV to Category V with effect from 1-9-1980 along with others as unjustified and order for consequential benefits.

3. The Management filed their counter. They have stated that the contention raised in the claim statement are not correct. The petitioner is put to strict proof of the allegations made therein. They admitted that R. Rajaiah was working as Turner Category IV and was eligible for drafting for Category V as on 1-8-1980 on completion of three years of service subject to earning satisfactory reports about the work and conduct as per Company's Schemes. The contention of the workman that he successfully completed the period of three years service by 1-8-1980 is denied. According to the Management Circular dated 4-1-1980 the case of Tradesmen Category IV who completed three years of service in that Category are to be reviewed for placement in Category V twice in a year i.e. 1st March and 1st September. It is to emphasise for review for placement to Category V subject to earning satisfactory reports about the work and conduct of the employees, but not on mere completion of three years of service and efflux of time the contention of the workman that there were no adverse remarks against him is far from truth. He was issued a letter in 1980 by the Head of Department intimating that his performance of work was not found satisfactory before the review of his case for promotion to Category V. Hence the contention that this work, attendance and conduct remained good and that there were no complaints whatsoever is not correct. It is not correct to say that the petitioner was segregated and his promotion was withheld while all other workmen were given promotion. The petitioner is well aware of the reasons for his not being promoted. The officer-in-charge has personally informed and warned about his unsatisfactory work. However, the petitioner has not chosen to improve his work, attendance and conduct. The workman did not exhaust all the channel of grievance procedure as alleged. The letter served on him clearly speaks of his knowledge about unsatisfactory work. The Divisional Engineer (Workshop) and Power House, Bellampalli reviewed the work of the workman. He was warned to improve his performance several times. Therefore, the contention that the superior

authority never found his work unsatisfactory is not correct. His work was reviewed again in the month of September 1980 along with five other similar workmen. The five workmen earned satisfactory reports and were drafted to Category V by an office order dt. 4-1-1981. As the performance of this particular workman was not satisfactory, his case was not considered. The reason for over-looking him for promotion was communicated to him by letter dt. 30-9-1980. But he kept quite even after receiving the same. The case of the petitioner was also taken up by the Singareni Collieries Union in the conciliation proceedings and was not pressed and ultimately withdraw. Hence Sri R. Rajaiah is estopped to re-agitate the issue. The Union also has no right to agitate. Hence the reference is bad in law. His case was considered in the following year and he was promoted to Category V but he cannot claim promotion with effect from 1-9-1980. There are no merits in the claim. Hence they prayed for dismissal of the claim petition.

4. Notice was served. The management appeared. Workman remained exparte. The management examined M.W.1 and marked Exs. M1 to M3. There is no evidence on behalf of the workman.

5. M. W. 1 is Senior Personnel Officer in Singareni Collieries Company Limited, Bellampally Area. He stated that R. Rajaiah was appointed as Turner in Category IV in the year 1977. He completed three years of service in Category IV and became eligible for promotion to Category V. However completion of three years service is not only the criteria. The workman has to get satisfactory report from the employer to earn promotion. Rajaiah was not regular in the matter of attendance. His performance of work was also not satisfactory. The Divisional Engineer (Workshop) reviewed the work of the employees after reviewing the work of Rajaiah. The Divisional Engineer issued warning letter to him. Ex. M1 is the true copy of the warning letter. Ex. M2 is the assessment of his work. As the work of other employees in Ex. M2 was satisfactory they were promoted to Category V. However Rajaiah was given promotion to Category V with effect from 1-9-1981. He also marked the Circular dt. 4-1-1980 which lays down the requirement for purpose of promotion. The evidence of MW1 cannot be disbelieved as he is the responsible officer incharge of the matter. The work of Rajaiah was reviewed from time to time and was found unsatisfactory. This is evident from Ex. M1. All the details in this respect are given in the counter and also in the evidence of MW1. According to Ex. M3 the work of Tradesmen in category IV who have completed three years will be reviewed twice in a year i.e. 1st March and 1st September and that assessment reports will be obtained and that if the management finds the workman suitable, will promote to Category V. This Circular was not challenged. The circular clearly establishes that mere completion of 3 years is that enough to earn promotion. The service record is not clear. The management rightly assessed the work of Sri Rajaiah. There is ample material before the management to come to the conclusion that the work of Rajaiah is not satisfactory. However R. Rajaiah is given promotion with effect from 1-9-1981. There is nothing illegal in not giving promotion to Rajaiah from 1-9-1980.

6. Therefore, I hold that the action of the Management in not promoting R. Rajaiah, Turner from Category IV to Category V with effect from 1-9-1980 is justified and no grounds are made out for interference.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of September, 1987.

INDUSTRIAL TRIBUNAL.

Appendix of Evidence

witnesses Examined

for the Workmen :

NIL

witnesses Examined

for the Management :

M.W.1 R. Ramdass

Documents marked for the Workmen
NIL

Documents marked for the Management

Ex. M1 True copy of the letter dt. 30-9-1980 addressed to R. Rajaiah by the DE(W/S&PH) B.D.S.C. Co. Ltd; with regard to performance of work.

Ex. M2 Assessment report for promotion to Category V dt. 9/10-9-80.

Ex. M3 True copy of the Circular dt. 4-1-80 with regard to tradesmen.

K. B. SIDDAPPA,
Industrial Tribunal
[No. L-22012/43/84-D.III(B)]

नई दिल्ली, 20 अक्टूबर, 1987

का. घा. 3040:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, वैस्टर्न कोल फील्ड्स लि. की गुंगुस कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट का प्रकाशन करती है जो केन्द्रीय सरकार को 12-10-87 को प्राप्त हुआ था।

New Delhi, the 20th October, 1987

S.O. 3040.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gungus Colliery of WCL and their workmen, which was received by the Central Government on the 12-10-1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)/(108)/1985

PARTIES :

Employers in relation to the management of Gunghus Colliery of Western Coalfields Limited, Sub-Area No. 2. P.O. Gungus Colliery, District Chandrapur (M.S.) and their workman, Shri Balaji Latari Bobde represented by Rashtriya Vidharbha Coal Employees Union, Mazdoor Karyalaya, Near Jatpura Gate, P.O. and Distt. Chandrapur (M.S.)

APPEARANCES :

For workman—None.

For management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining DISTRICT : Chandrapur (M.S.)

AWARD

Dated, the 5th October, 1987

By Notification No. L-22012(77)/84-D.V. dated 26th November, 1985 the Central Government referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the management of Western Coalfields Limited, Wardha Valley Area, Gungus Colliery in Sub-Area No. 2, P.O. Gungus Distt. Chandrapur (MS) in terminating the services of the workman Shri Balaji Latari Bobde with effect from 25-5-1983 is justified? If not, what relief the workman concerned is entitled to?”

2. On receipt of the reference order parties were noticed to file their statements of claim on 26-12-1985, on which no one appeared on behalf of the workman and the case was adjourned to 15-1-1986. On 15-1-1986 again none appeared on behalf of the workman, but the management filed its statement of claim in duplicate, a copy of which was sent to the workman for filing his written statement on the next

date i.e. on 26-2-1986. Only on 1-9-1986 Shri R. C. Pandey, representative of the union appeared and noted the next date i.e. 18-9-1986. Thereafter none appeared on behalf of the workman or union or filed statement of claim. Therefore the case was proceeded ex parte against the workman on 18-12-1986. Workman did not care to attend the Court till 10-7-1987, therefore the case was closed for award.

3. From the statement of claim filed by the management it appears that Shri Balaji Latari Bobde was appointed temporarily as a casual Trammer-cum-Loader vide order 2-3-81. As he was irregular in attendance and was absent from duty without any permission from 24-4-1983 therefore his services were terminated with effect from 25-5-1983 after issuing a show cause notice and displaying the show cause notice in the Notice Board. He was a habitual absentee and his attendance from May 1982 to April 1983 was as under :—

May 1982	—	..
June 1982	—	1
July 1982	—	13
August 1982	—	10
September 1982	—	14
October 1982	—	11
November 1982	—	14
December 1982	—	8
January 1983	—	12
February 1983	—	6
March 1983	—	..
April 1983	—	9 (Name was struck off from rolls

from 26-5-83 due to long absenteeism from 24-4-83).

It is also pleaded by the management that previously also his services were terminated for being absent without leave or permission, but he was reappointed from 19-6-1982. Even after this he has failed to improve his attendance. Therefore he is not entitled to any relief whatsoever.

4. The applicant workman neither appeared nor rebutted the statement of the management in writing inspite of several opportunities given by this Tribunal. Therefore this Tribunal has no alternative but to hold that the action of the management of Western Coalfields Limited, Wardha Valley Area, Gugus Colliery in Sub Area No. 2, P.O. Gugus Distt. Chandrapur (MS) in terminating the services of the workman Shri Balaji Latari Bobde with effect from 25-5-1983 is justified and he is not entitled to any relief. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012/77/84-D.V]

V. K. SHARMA, Desk Officer

नई दिल्ली 14 अक्टूबर 1987

का. अ. 3041:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भगवान्ध कोलियरी, मेसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन के सम्बन्ध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सचवा 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-87 को प्राप्त हुआ था

New Delhi, the 14th October, 1987

S.O. 3041.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 28th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the
Industrial Disputes Act, 1947.

Reference No. 77 of 1984

PARTIES :

Employers in relation to the management of Bhagaband
Colliery of M/s. Bharat Coking Coal Limited, P.O.
Bhagaband, Dist. Dhanbad.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Sri B. M. Lall, Dy. Chief Personnel
Manager.

For the Workmen : Sri Kailash Lala, Asstt. Secretary,
Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, dated, the 21st September, 1987

AWARD

The present reference arises out of Order No. L-20012 (260)/84-D. III(A) dated, the 25th September, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the demand of Rashtriya Colliery Mazdoor Sangh for reinstatement of Shri Mohan Modi, Miner/Loader on permanent rolls retrospectively by the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited is justified? If so, to what relief the workman is entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-20012/260/84-D. III(A)]

P. V. SREEDHARAN, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD In the matter of Reference No. 77/84

PARTIES :

Employers in relation to the management of Bhagaband
Colliery of M/s. BCC Ltd., PO : Bhagaband,
Dhanbad

AND

Their workman represented by the Secretary, RCMs

Joint Compromise petition of the employers & Workman
The above mentioned employers and workman beg to submit jointly as follows :

(1) That the employers and workman have jointly negotiated the matter directly as covered by the aforesaid ref. with a view to coming to a mutually acceptable and amicable settlement.

(2) That as a result of such direct negotiations, the parties have arrived at a settlement on the following terms :

- (a) That Shri Mohan Modi, Badli Miner/Loader will be treated as permanent Miner/Loader and his continuity of service will be maintained for the purpose of Gratuity only ;
- (b) that the idle period will be treated as leave without pay and the case will be treated as finally settled and there is no subsisting dispute.
- (c) that the provisions of Clause(a) & (b) above having been fulfilled, the concerned workman has already been allowed to resume duties on 18-2-87 by treating him as permanent workman with continuity of service and he has started working in that capacity.

That in-view of the above, the employers and the workman most respectfully pray that the Hon'ble Tribunal may be pleased to dispose of the reference in terms of the joint compromise petition.

KAILASH LAI A, Asstt. Secretary,

Rashtriya Colly. Mazdoor Sangh

For and on behalf of workman

B. M. LALL,

Dy. Chief Personnel Manager

Pootkee Balihari

For and on behalf of employers

Dt. : 17-8-87

Part of the Award.

नई दिल्ली, 21 अक्टूबर 1987

का. आ. 3042:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार मुरा-ईदीह प्रोजेक्ट, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधन के सम्बन्ध में उनके कर्मचारियों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचपाट का प्रकाशन करती है, जो केन्द्रीय सरकार को 13 अक्टूबर 1987 को प्राप्त हुआ था।

New Delhi, the 21st October, 1987

S.O. 3042 :—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Muraidih Project of M/s. Bharat Coking Coal. Limited, and their workmen, which was received by the Central Government on the 13th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 2 of 1984.

PARTIES : Employers in relation to the management of Muraidih Project of Messrs Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT : Shri S.K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, dated, the 28th September, 1987.

AWARD

The Central Government in the Ministry of Labour has, by Order No. L-20012(208)/83-D. III. A, dated, the 17th December, 1983, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Management of Muraidih Project of Messrs Bharat Coking Coal Limited in refusing Excavation Grade ‘C’ as Wagon Drill Operators to Sarvashri Ramdeo Tewari and Mahadeo Kumar, RECP Drill Operators, is justified? If not, to what relief are these workmen entitled and from what date?”

2. The case of the management is as follows :

The concerned workmen, namely, S/Sri Ramdeo Tewari and Mahadeo Kumhar were drillers and as such, they were rightly placed in Category-IV in accordance with Wage Board Recommendations read with NCWA-I & II. They were placed in the Open Cast Project to work as drillmen and were paid wages available to Cat. IV workmen. They were given the chance to learn the job of operating Wagon and RECP drills so that they could be appointed Wagon Drill Operator to operate wagon and RECP drills. They could not claim the grade of wagon driller without being appointed as such in that post. Before any workman is permitted to learn the job of operating machine, he should have proper authorisation from a competent authority. He can then be permitted to handle the machine and learn the job of operation and maintenance of the machine. A workman cannot be an operator of a machine simply on the basis of authorisation. A workman, after learning job, is authorised by the competent authority to operate that machine independently. He is thereafter given the job from time to time during leave and sick vacancies and during the period of temporary needs. His performance is observed and thereafter he is asked to appear before a selection committee in order to assess his merit for his permanent appointment on the basis of trade test. The concerned workmen were authorised in the year 1983 to work as operators of wagon drill and RECP drills. Their performances were under observation and they were

not put before the selection-committee for their trade test. If found fit, they will be appointed after selection. The present case is premature and not maintainable.

3. Janta Mazdoor Sangh sponsored the case of the concerned workman and filed written statement on their behalf in this reference. The case of the sponsoring union and the concerned workmen is as follows :

The concerned workmen got authorisation to work as wagon drill operator (Trainee). The word "Trainee" has got no implication in the context of the present case. They were already-designated as drillers working in Muraidih Project and were equipped with necessary knowledge and experience of handling drilling machines for operating the wagon drill and RECP drill machines. From November, 1981 they were deployed to operate the RECP drill by a letter No. GM-I/PD/1543/83 dated 11-2-83 and in relation to the dispute before the A.L.C(C.), Dhanbad, vide file No. 1/53/83-E2, the management admitted the position and assured that regularisation of the workmen would be done shortly, but declined to settle the dispute with the union. Under the facts and circumstances stated above, the management of Muraidih Project of M/S. B.C.C. Ltd. was not justified in refusing Excavation Grade 'C' to the concerned workmen as wagon drill operator/RECP drill operator.

4. At the time of hearing the management appeared and adduced evidence in support of its action. Neither the sponsoring union nor the concerned workmen appeared.

5. It is irrefragable position that the concerned workmen were employed as Drillers in Muraidih Project of M/S. B.C.C. Ltd. It appears from the written statement of the management that the concerned workmen were posted in the Open Cast Project to work as Drillmen and were placed in Category-IV. That they were placed in Category-IV is supported by evidence of Sri L.P. Singh, erstwhile Asstt. Manager and presently the Manager of Muraidih Colliery. The concerned workmen have not stated anything or adduced any evidence to dis-prove these facts.

6. The evidence of Sri L.P. Singh establishes the fact that in 1981 wagon drill was introduced in Muraidih colliery and that drill operators for operation of wagon drill reported for duty along with drill machine from Headquarters. His evidence also reveals that the concerned workman approached the management to allow them to learn the job of operation of wagon drill and that the management acceded to their request and in 1983 the management appointed them wagon drill operator (trainee). The case of the concerned workman is that they were authorised to work as wagon drill operators (Trainee) from 10-6-81

by Office Order No AMC/81/1480 dated 10-6-81, but this Office Order has not been produced before me. On the other hand, it is the definite case of the management that the concerned workman were authorised to work as operators of wagons drill and RECP drill in 1983 presumably as trainees. This position has been supported by the evidence of MW-1 Sri L.P. Singh.

7. It is the definite case of the management that a workman after learning the job, is authorised by the competent authority to operate machine independently and that he is therefore given the job from time to time during the leave and sick vacancy and during the periods of temporary needs and that his performance is watched and thereafter he is given permanent appointment provided the Selection Committee considers him fit for the post. Evidence of MW-1, L.P. Singh, further reveals that the management watched the performance of the concerned workman and that in 1985 the management got more drills, both wagon and RECP and that in 1986 the management considered the cases of the concerned workman for regularisation in service as wagon drill operators in Grade-D and that the management actually allowed them Grade-D in 1986. Thus it is seen that the concerned workman were put in Grade-D as wagon drill operators in 1986.

8. The concerned workmen claim that they should be put in Grade-C. The evidence of MW-1, L.P. Singh, establishes the fact that promotion to Grade-C is given after a candidate in Grade-D puts in three years of service and comes out successful in D.P.C. But it is seen that the concerned workmen did not put in three years of service from the date of their appointment in Grade-D as wagon drill operators, not to speak of their coming out successfully in D.P.C. They have not qualified for Excavation Grade-C on the basis of length of their service and coming out successful in D.P.C. That being so, the action of the management of Muraidih Project of M/s. Bharat Coking Coal Ltd. in refusing Excavation Grade-C as wagon drill/RECP operators to the concerned workmen is justified and that the demand of the concerned workmen for being placed in Excavation Grade-C is not justified. Accordingly an award is passed to this effect.

9. Under the circumstances, the parties to bear their own costs.

S.K. MITRA, Presiding Officer

[No. L-20012/208/83-D-III (A)]

का. आ. 1043 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, भारतीय सरकार बंगाल कोयली, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रत्यक्ष के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3043.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 1, Dhanbad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Barora Colliery of Messrs Bharat Coking Coal Limited, and their workman, which was received by the Central Government on the 6th October, 1987.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 47 of 1984.

PARTIES : Employers in relation to the management of Barora Colliery of Messrs Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT : Sri S.K. Mitra, Presiding Officer

APPEARANCES:

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar **INDUSTRY :** Coal.

Dhanbad, dated. the 25th September, 1987

AWARD

The Central Government in the Ministry of Labour has, by Order No. L-20012(73)/84-D. III(A) dated, the 30th July, 1984, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:—

“Whether the action of the management of Barora Colliery of Messrs Bharat Coking Coal Limited in not considering the application filed within the prescribed time by Shri Radha Kumhar, Minor for employment of his dependent-son-in-law, Shri Anil Kumhar, under the voluntary Retirement Scheme, was justified? If not, to what relief is the said workman entitled and from what date?”

2. The case of the concerned workman as appearing from the terms of reference and the materials on record is as follows :

Radha Kumhar, the concerned workman was employer as a Minor in Barora Colliery of M/s.

Bharat Coking Coal Limited. The management introduced voluntary retirement scheme sometime in the year 1979-80 and the concerned workman applied for permission to allow him to retire prematurely and to get his son-in-law Anil Kumhar appointed as his dependent. But the management did not allow him to take the benefit of voluntary retirement scheme. In the circumstances the concerned workman has asserted that the action of the management was not justified.

3. The case of the management is as follows:—

Radha Kumhar was employed as Minor. The management of M/s. Bharat Coking Coal Ltd. introduced voluntary retirement scheme sometime in 1979-80 but the same was withdrawn/cancelled subsequently. Employment of a dependent of a workman at the time of his retirement is illegal and void of it is contrary to the provision of the constitution of India. The management incorporated a clause under N.C.W.A.III for employment a person retiring from service on voluntary retirement scheme. But that clause has been kept in abeyance under orders of the Calcutta High Court on the ground that such clause is unconstitutional, illegal and void. Besides the present management of M/s. B.C.C.Ltd. is a part of the management of M/s. Coal India Ltd. and all the public sectors are bound to follow certain general principles. The management of M/s. B.C.C. Ltd. can not introduce voluntary retirement scheme for giving employment to dependents of persons retiring from service. Any way, the concerned workman applied for permission to allow him to retire prematurely and to get his son-in-law Anil Kumhar appointed as his dependent. The concerned workman accepted, the decision of the management and continued in his employment till his retirement when he attained the age of superannuation. He did not raise any industrial dispute at that stage. The present dispute is unfair and is nothing but a trafficking in litigation.

4. At the time of hearing neither the workman nor the sponsoring union turned up. But the management appeared and adduced evidence in support of its case.

5. MW-1, S. S. Prasad, a Personal Assistant of the concerned colliery has deposed to state that there exists no scheme of M/S. B. C. C. Ltd. for providing employment to the dependant of an employee who has retired from service voluntarily and that during 1979-80 a scheme for employment of such dependant persons was introduced, but that was cancelled and was never given effect to. He has stated that the provision for employment of a dependant of a person retiring from service voluntarily was inserted in

N. C. W.A. III by a clause but that clause has never become effective in view of protest from several sources. He has also stated that the concerned workman has retired from service after attaining age of superannuation of 60 years and that when the application of the concerned workman for retirement from service voluntarily was being considered the scheme introduced was cancelled or abandoned. According to him the decision of the management was communicated to the concerned workman who accepted it and served till he attained the age of superannuation and eventually he retired from service.

6. The evidence on record indicates that the present dispute has arisen consequent upon introduction of a scheme by M/S. B. C. C. Ltd. sometime in the year 1979-80 for voluntary retirement from service and employment of dependant. It is established that the concerned workman, by way of an application, intended to retire from service voluntarily and prematurely on condition of employment of his son-in-law Anil Kumhar as his dependant. It is further established that while the application of the concerned workman was being processed the scheme for voluntary retirement from service was cancelled/withdrawn/abandoned by the management and that the concerned workman was informed of the decision of the management that his prayer could not be allowed. It is also borne out from evidence that the concerned workman accepted the decision of the management, worked for the colliery till he reached the age of superannuation and thereafter he has retired from service. This being the position the claim of the concerned workman for employment of his dependant son-in-law under voluntary retirement scheme is not justified and consequently the action of the management of Barora Colliery of M/S. Bharat Coking Coal Ltd. in not considering his application for employment his dependant son-in-law under voluntary retirement Scheme is justified. In the circumstances of the case the concerned workman has got no relief in this reference. Accordingly an award is passed to this effect.

7. Parties to bear their own costs.

[No. L-20012/73/84-D. III(A)]

S. K. MITRA, Presiding Officer.

का. आ. 3044 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जालगोरा कोलियरी, मीरम भारत कोकिंग कोल लिमिटेड के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में विद्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7 अक्टूबर, 1987 को प्त हुआ था।

S. O. 3044:—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jealgora Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 7th October, 1987.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Reference No. 33/83

PRESENT :

Shri G. P. Roy,

Presiding Officer.

PARTIES : : Employers in relation to the management of Jealgora Colliery of M/s. Bharat Coking Coal Ltd., in Bhowra Area No. XI, P. O. Bhowra, Dist. Dhanbad.

AND

Their workmen

APPEARANCES : For the Employers—

Shri R. S. Murthy, Advocate

For the Workmen—

None.

INDUSTRY : Coal STATE : Bihar

Dated, the 23th September, '987.

AWARD

The Govt. of India in the Ministry of Labour, in exercise of the powers conferred on them u/s 1C(1)(d) of the Industrial Disputes Act, 1947, referred the dispute to the Central Govt. Industrial Tribunal-cum-Labour Court No. 3, Dhanbad for adjudication under Order No. L-20012 (262)/81-D. III(A) dated the 13th September, 1983. Subsequently by Order No. A-11020/61/82-CLT dated the 28th March, 1985 of the Ministry of Labour the said Tribunal namely Central Govt. Industrial Tribunal-cum-Labour Court No. 3, Dhanbad was shifted to Asansol and it started functioning as the Central Govt. Industrial Tribunal-cum-Labour Court, Asansol. Consequently all the pending cases before the Central Govt. Industrial Tribunal-cum-Labour Court No. 3, Dhanbad became the subject matter of the Central Govt. Industrial Tribunal-cum-Labour Court, Asansol including the present case. Accordingly the final award in connection with this case is passed to-day by this Tribunal at Asansol.

SCHEDULE

"What should be the rate of wage of S/Shri Brijlal and Mahabali Yadav, Explosive Carriers of Jealgora Colliery, Bhowra Area of Messrs Bharat Coking Coal Ltd., P. O. Jealgora, Dist. Dhanbad with effect from the date the above workmen were transferred from the job of piece-rated leaders to time-rated explosive carriers and to what relief are the workmen entitled?"

2. During the pendency of the Reference case a joint petition of compromise was filed by the parties with the prayer to make a 'no dispute' award in this case in terms of the joint petition of compromise. The terms appear to be fair, reasonable and also beneficial to the workmen concerned.

3. In view of the terms of the joint petition of compromise, there exists no dispute between the parties and the disputes relating to this Reference case between the parties appear to have been amicably settled between the parties in terms of the compromise petition. Accordingly a 'no dispute' award is made in this case and the Reference case is decided accordingly. The terms of the compromise do form part of the award.

4. Requisite copies of the award along with terms of the compromise be sent to the Ministry.

G. P. ROY, Presiding Officer
[No. L-20012/262/81-D. III(A)]

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 3. DHANBAD

In the matter of Ref. No. 33/83

PARTIES :

Employers in relation to the Management of
Jealgora Colliery of M/s. B. C. C. L.

AND

Their workmen

JOINT PETITION OF EMPLOYERS AS WELL
AS WORKERS

The employers and the workmen most respectfully beg to submit jointly as follows :-

1. That the workmen by their written statement dated 20-11-84 have admitted that out of the 2 workmen concerned in the dispute viz. S/Shri Brijlal and Mahabali Yadav, Sri Mahabali Yadav has been regularised in Time rated job of Timber Mazdoor and that he is being paid appropriate rate of wages and he has no more grievance.

2. That in regard to the other workman, Sri Brijlal the matter has been negotiated between the Management and the sponsoring union with a view

to arriving at an amicable and overall settlement and as a result of such negotiations the following settlement has been reached.

(a) It was agreed that Sri Brijlal who is in Cat. I will be regularised by the management in Cat. II as Pump Helper w.e.f. 1-1-1980, accordingly. Sri Brijlal has been regularised as Pump Helper in Cat. II w.e.f. 1-1-80 with protection of Group wages of Miner/Loader.

(b) It was agreed that Sri Brijlal will be paid the arrears of the wages w.e.f. 1-1-80 as a result of clause (a) above and accordingly Sri Brijlal has been paid the arrear wages arising out of protection of Group wages as per clause (a) above.

(c) It is agreed that this is an overall settlement in regard to all the claims of the sponsoring union and Sri Brijlal arising out of this reference.

In view of the above, the employers as well as workmen pray that the Hon'ble Tribunal may be pleased to give no dispute award in terms of this joint petition, as they consider that the settlement is fair, full and reasonable for both the parties.

AGENT

JEALGORA COLLIERY, BCCL

For and on behalf of Employers

Sd/-
General Secretary
R.C.M.S. DHANBAD.

Sd/-
(BRIJLAL)

Sd/-
(Raj. S. Murthy)
Advocate.
For Employers

EB No. 207931.

WITNESS :
Illegible

(1) Sd/- (Chairman) Jealgora Colliery
(2) Sd/- (H.T.K.) Jealgora Colliery,

का. आ. 3045 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बरकाकाना क्षेत्र, सेन्ट्रल कोल फील्ड लिमिटेड डाकघर बरकाकाना के प्रवर्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O 3045:-In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of of Barkakana Area Central Coalfield Limited, P.O. Barkakana, Distt. Hazaribagh and their workmen, which was received by the Central Government on the 6th October 1937.

**BEFORE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.**

In the matter of a reference under section 10(1)(d)
of the Industrial Disputes Act, 1947.

Reference No. 88 of 1977.

PARTIES : Employers in relation to the management
of Barkakana Area Central Coalfields
Limited, P.O. Barkakana, Dist. Hazari-
bagh.

AND

Their Workmen.

PRESENT : Shri S.K. Mitra Presiding Officer.

APPEARANCES :

For the Employers : Shri R.S. Murty, Advocate.

For the Workmen : None.

STATE : Bihar. **INDUSTRY :** Coal.

Dhanbad dated, the 24th September 1987.

AWARD

The present reference arises out of Order No. L-20012/60/76-DIIIA, dated the 11th October, 1977, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether, according to the award dated the 27th June, 1974 of the Central Government Industrial Tribunal No. 1, Dhanbad in reference No. 32 of 1972, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 27th July, 1974, at pages 2045-2048 the transfer of the workmen from other collieries situated in Barkakana Area by the management of Central Coalfields Limited Barkakana Area, Post Office Barkakana District Hazaribagh should be after absorbing the workmen of Saunda D Colliery and Lapanga Colliery referred to in the award, or whether the management has the right to rationalise its workmen by transfer from areas outside to Barkakana area before absorption of the workman referred to in the award.

2. In connection with this reference the Hon'ble Supreme Court of India was pleased to direct as follows. In Civil Miscellaneous Petition Nos. 1385 and 22741 of 1984 preferred in Civil Appeal No. 6023(NL) of 1983 :—

“We accordingly direct that the appellant union shall make an application within eight weeks to the Central Govt. Industrial Tribunal No. 1 Dhanbad setting out the names of the workmen who according to the appellant union were the workmen in employment of Lapanga

Colliery on the date of the Award in Ref. No. 32 of 1972. After giving an opportunity to both the parties the Tribunal shall determine whether the workmen who now claim the benefit of the Award were the workmen of the Lapanga Colliery on the date of the Award and would therefore be entitled to the benefit of the Award. The Tribunal would be entitled to make consequential orders.”

3. After the Hon'ble Supreme Court passed the order as aforesaid the matter was directly negotiated between the parties arrayed—the union and the management—regarding the employment of 76 persons as per the claim filed by the workmen/sponsoring union and it has been amicably agreed upon between the parties that 38 persons out of 76 persons are entitled to claim the benefit of the Award. Accordingly a compromise has been effected between the parties. The terms of compromise are legal and valid and as such they should be given effect to.

4. Accordingly an award is passed on the basis of memorandum of settlement which do form part of the Award.

5. Lot a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act 1947.

S.K. MITRA Presiding Officer

[No. L-20012/60/76-D-III(A)]

**BEFORE THE PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL
NO. 1 DHANBAD**

In the matter of Reference No. 88 of 1977

PARTIES : Employers in relation to the Management
of Barkakana Area of Central Coalfields
Ltd. Post : Barkakana Dist. Hazari-
bagh.

Vrs.

Their workmen represented by United Coal Workers Union

**JOINT COMPROMISE PETITION OF THE
EMPLOYERS AND THE WORKMEN**

The above mentioned employers as well as the workmen represented by the United Coal Workers Union most respectfully beg to submit jointly as follows :—

(1) That the Miscellaneous Petition No. 1385 of 1984 the Civil Appeal No. 6023 (NL) of 1983 was heard by their Lordship of the Hon'ble Supreme Court on 23-8-84 alongwith another Civil Miscellaneous petition No. 22741 of 1984 relating to Saunda-D Colliery and by the Judgement of the said date their

Lordships gave directions/decisions to the following effect in so far as Lapanga Colliery is concerned :—

"We accordingly direct that the appellant union shall make an application within eight weeks to the Central Govt. Industrial Tribunal No. 1 Dhanbad setting out the names of the workmen who according to the appellant union were the workmen in employment of Lapanga Colliery on the date of the Award in Ref. No. 32 of 1972. After giving an opportunity to both the parties the Tribunal shall determine whether the workmen who now claim the benefit of the Award were the workmen of the Lapanga Colliery on the date of the Award and would therefore be entitled to the benefit of the Award. The Tribunal would be entitled to make consequential orders."

(2) That as per the above direction given by the Hon'ble Supreme Court, the workmen/sponsoring union filed application before this Hon'ble Tribunal on 19-10-84 furnishing the name of 76 persons who are to be provided employment.

(3) That thereafter the matter was directly negotiated between the parties regarding the employment of 76 persons as per the claim filed by the workmen/sponsoring union in the Hon'ble Tribunal.

(4) That the management during the course of negotiation/bilateral discussion on 4-11-86 agreed to provide employment to 38 persons list enclosed and marked as Annexure-I.

However since Sri Sunder son of Sri Sadhu has been found to be medically unfit he will not be provided employment.

(5) That in view of the mutual discussion the above 38 persons have been given letter of appointment by the management as piece-rated workers as indicated against each.

(6) That it was further agreed that 33 persons except Smt. Mohan Bai Mehtrin Bai Kera Bai and Rath Bai will be entitled to wages and other benefits

from 1-3-1987 and all the benefits will be reckoned with effect from 1-3-1987.

(7) That it was further agreed that since Smt. Mohan Bai Mehtrin Bai Kera Bai and Rath Bai who were found temporary unfit due to confinement but were found to be genuine were to be given employment w.e.f. 1-1-1985 the wages and other benefits were also be paid to these four female persons as and from that date i.e. 1-1-1985.

(8) That it is agreed that this agreement is in full and final settlement of the Judgement/orders of their Lordships of the Supreme Court in so far as Lapanga Colliery is concerned and all the claims of the workmen and the sponsoring union arising therefrom.

That the employers and workmen confirm that the aforesaid terms and conditions as fair just and reasonable to both the parties.

In view of the above both Employers and Workmen/Sponsoring Union jointly pray that the Hon'ble Tribunal may be please to pass appropriate orders in the matter in terms of the aforesaid compromise petition and dispose off the matter accordingly.

Sd/-
(RAMENDRA KUMAR
SECRETARY

UNITED COAL WORKERS UNION
For and on behalf of Workmen.

Sd/-
(JAWAHAR LAL)
GENERAL MANAGER (PERS)
CCL : RANCHI
For and on behalf of the Employers.

Sd/,
(R. S. MURTHY)
Advocate
FOR EMPLOYERS

Witnesses :

1. Sd/- S. P. Srivastava

2. Sd/- Illigible

Dated : 9-9-1987

Part of the Award

Sd/- Illigible

Stamp
24-9-87

ANNEXURE-I

Sl. No.	Name of the Workers	Father's/Husband's name	Ref. of appointment letter
1.	Sri Banwari	Panchool	PD/Appt/LPG/5668 dt. 1/6-6-87
2.	Sri Banoo	Jhagwa	-do- /5676 -do-
3.	Sri Bula Ram	Mangal Ram	-do- /5634 -do-
4.	Sri Bhagwati Das	Diwakar Das	-do- /5660 -do-
5.	Sri Chhedi Das	Diwakar Das	-do- /5655 -do-
6.	Sri Kripa Ram	Banu	-do- /5637 -do-
7.	Sri Moti Ram	Hira Ram	-do- /5666 -do-
8.	Sri Pila Ram	Chando	-do- /5667 -do-

Sl. No.	Name of the workers	Father's/Husband's name	Ref. of appointment letter
9.	Sri Rasia	Jagat Ram	PT/Appt/LPG/5658 dt. 1/6-6-87
10.	Sri Rati Ram	Panch Ram	-do- /5653 -do-
11.	Smt. Chandrawati	Gangadhar	-do- /5652 -do-
12.	Smt. Fulbai	Kartik	-do- /5651 -do-
13.	Sri Nathu Ram	Fakan Ram	-do- /5665 -do-
14.	Smt. Pakli Bai	Kondi	-do- /5650 -do-
15.	Smt. Sukhmati	Bhukhaw	-do- /5676 -do-
16.	Smt. Sihan Bai	Sewak Ram	-do- /5682 -do-
17.	Sri Bachu Lal	Girilal	-do- /5672 -do-
18.	Sri Dhania	Charku Naik	-do- /5674 -do-
19.	Smt. Mohan Bai	Tijram	-do- /5662 -do-
20.	Sri Dashrath	Mangal	-do- /5683 -do-
21.	Smt. Kera Bai	Banwari	-do- /5681 -do-
22.	Smt. Rath Bai	Mukho	-do- /5677 -do-
23.	Sri Banu Ram	Pati Ram	-do- /5664 -do-
24.	Sri Dhansai	Jyoti Ram	-do- /5684 -do-
25.	Sri Kartik	Ramjee	-do- /5661 -do-
26.	Kanhaiya	Kakha Ram	-do- /5670 -do-
27.	Sardar Singh	Bharman	-do- /5669 -do-
28.	Sundar	Sadhu	Medically unfit.
29.	Smt. Mithrain Bai	Nathoo Ram	PD/Appt/LPG/5647 dt. 1/6-6-87
30.	Sanora	Panchoo	-do- /5649 -do-
31.	Smt. Darasmati	Jagdish	-do- /5663 -do-
32.	Sri Ram Prasad	Gobardhan	-do- /5686 -do-
33.	Sri Balmukund	Jawhir Singh	-do- /5648 -do-
34.	Sri Mahesh	Nanu Mahto	-do- /5646 -do-
35.	Sri Khel Kumar	Deonandan Singh	-do- /5673 -do-
36.	Sri Paras Ram	Mehi Lal	-do- /5659 -do-
37.	Sri Pujari	Raghubir	-do- /5671 -do-
38.	Smt. Resam Bai	Mohan Ram	-do- /5685 -do-

का. अ. 3046 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोयला भवन, कोयला नगर के प्रबन्धतन्त्र के सम्बन्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या-2, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3046.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Coking Coal Limited Headquarters at Koyla Bhavan Koyla Nagar and their workmen which was received by the Central Government on the 6th October 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. (2) AT DHANBAD

Reference No. 273 of 1986

In the matter of industrial dispute under Section 10(i)(d) of the I.D. Act 1947.

PARTIES : Employers in relation to the management of M/s. Bharat Coking Coal Limited's Headquarters at Koyla Bhawan Koyala nagar and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J.D. Lall
Advocate.

On behalf of the management: Shri B. Joshi
Advocate.

State : Bihar : Industry : Coal.

Dated Dhanbad the 28th Sept. 1987.

AWARD

The Govt. of India Ministry of Labour in exercise of the powers conferred on them under Section 10(i)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(118)/86-D.III(A) dated the 30th July 1986.

SCHEDULE

"Whether the demand of Rashtriya Mazdoor Sangh that the Senior Stenographers whose names are given below should be given promotion as Senior Personal Assistants by the management of—M/s. Bharat Coking Coal Limited Koyla Bavan Koyla Nagar (Dhanbad) is justified? If so to what relief are these Senior Stenographers entitled

1. Shri Ramesh Sharma
2. Shri S.N. Modak
3. Shri R.N. Bhattacharjee
4. Shri P.L. Paswan (S/C)
5. Shri N.I. Khan
6. Shri P.K.K. Nair
7. Shri S.K. Verma
8. Shri P.R. Madhusudan
9. Shri M.M. Goswami
10. Shri S.K. Sinha
11. Shri D. Rama Rao
12. Shri S.N. Ghosh
13. Shri B.N. Prasad
14. Smt. Savita Mehta
15. Mrs. K. Mathai
16. Shri B.K. Mishra
17. Shri P. Venugopalan
18. Shri S.K. Bhattacharjee
19. Shri S.B. Pandey
20. Shri S.C. Mondal.
21. Shri P.K. Ghosh.
22. Shri T.K. Mitra and
23. Shri Balram Prasad."

The case of the workmen is that the 23 concerned workmen are working as Sr. Stenographers in the headquarters Koayla Bhawan Koyalnagar Dhanbad. The management of BCCL formulated a cadre scheme for promotion in respect of ministerial staff including the stenographer and Sr. Stenographer vide circular dt. 20-6-77 which is still in force. In pursuance of the said circular a note sheet was initiated to assess the number of posts of Sr. P.A. Sr. Personal Assistant required in the whole organisation of BCCL in the year 1983 comprising of Headquarters Area office and other establishment of BCCL according to which 69 vacancies of Sr. P.As. were existing in 1983. In order to fill up these existing vacancies for the post of Sr. P.As a departmental promotion committee (D.P.C.) was constituted in the year 1983 to consider the eligibility of Sr. Stenographers/P.As. for promoting to the post of Sr. P.A. According to the cadre scheme the cases of promotion of Sr. Stenographers to the post of Sr. P.A. is to be

considered company wise on the basis of composite seniority list prepared by the management of BCCL. The seniority list in respect of all Sr. Stenographer/P.As. working in the entire organisation of BCCL was prepared in November 1982. The cadres scheme provides for the composition of D.P.C. eligibility norms for promotion and the basis of such promotion to different posts. As regards the promotion of Sr. Stenographer/P.A. to the post of Sr. P.A. the cadre scheme provides that D.P.C. will constitute of Chief Personnel Manager as Chairman, nominee of technical directorate to be nominated by the Director, Technical, nominee of Commercial Directorate to be nominated by Director (Commercial), nominee of Chief Finance Manager, one of the area General Manager to be nominated by Director (P&A) and Dy. Personnel Manager (MER) as members. The minimum length of service for consideration for promotion to the higher post is two years for Sr. Stenographers. The basis of promotion of Sr. Stenographers/PA is seniority-cum-merit. The D.P.C. which was constituted to consider the promotion of Sr. Stenographer to the post of Sr. P.A. in the year 1983 was not in accordance with the composition of the D.P.C. as provided in the cadre scheme. The said D.P.C. considered the eligibility of 106 Sr. Stenographer for promotion to the post of Sr. P.A. on the basis of different marks allotted under different heads namely, 30 marks for security (21 marks for first 2 years, 2 marks for each additional year of service subject to maximum of 30 marks) 50 marks for Stenographer test (for 100 W.P.M.—35 marks, for each additional 2 w.p.m. 1 mark subject to maximum of 15 marks) and 20 marks for CCR. After taking the stenography test and considering the seniority and CC &, the D.P.C. declared 75 candidates as eligible and qualified/fit for promotion to the post of Sr. P.A. These 75 candidates included the names of the concerned workmen except Sl. Nos. 4, 5, 19, 22 and 23 of the order of reference. After the above recommendation of the D.P.C. the case of the 75 candidates who had qualified in the test and had been recommended for promotion by the D.P.C. were referred to the vigilance department of BCCL (for their clearance and they were duly cleared by the Vigilance department vide letter dt. 4-5-83. When promotion orders were issued it was found that many Senior candidates including the concerned workmen were superseded by junior candidates which created a great resentment among the superseded candidates. The promotion orders were issued on different dates in batches and the total number of promotion made was 43 against existing vacancies of 69 as on 1-1-83. One of the members of the D.P.C. did not sign the D.P.C. report as he did not agree with the D.P.C. recommendation. Being aggrieved by the irregular and arbitrary promotion based on favouritism and mani-

pulation of marks in stenography test, the concerned workman made representation to the higher authorities to review to the promotion already made and then internal audit was entrusted with the job of scrutinising the case of promotion in respect of Senior Stenographer. The internal audit after checking some stenography test papers found that the marks in stenography test were manipulated in such a way that those deserving more marks were given less marks and those deserving less marks had obtained more marks. On receipt of the internal audit report a committee known as Giri committee was constituted to reassess the stenography test papers in respect of all the papers. The said committee after reassessment of the test papers changed the marks in respect of different candidates in the Stenography test as a result of which four candidates who were promoted earlier were reverted back to the post of Sr. Stenographers. Thus the total number of promotion made in respect of Sr. Stenographer to the post of Sr. P.As. remained 30 only against the existing vacancies of Sr. P.As. totalling 128 as on 11-2-1985 as subsequently reassessed. On the above facts it is evident that the promotion of Sr. Stenographers to the post of Sr. P.As. were made in violation of existing norms laid down in the cadre scheme and also on the basis of irregular, arbitrary allotment of manipulation of marks under different heads in order to favour certain junior candidates superseding the seniorman. The D.P.C. as stated above was not properly constituted as required by the cadre scheme and was constituted arbitrarily in violation of the norms laid down in the cadre scheme. As per cadre scheme the promotion are to be made on the basis of seniority-cum-merit but the promotion were made in the present case arbitrarily by allotting arbitrary and irrational marks on the different heads. The rule of seniority had not been given weightage. The rule of seniority-cum-merit postulates as per various decision of the Supreme Court and High Courts is that after the candidates had been found fit and suitable for the post to which they are to be promoted the promotion should be made on the basis of inter se seniority among the qualified candidates. The management did not follow the rules of seniority-cum-merit and promoted different candidates arbitrarily. The management should have prepared the panel in accordance with the inter se seniority after the candidates qualified in the stenography test and then the promotion should have been made on the basis of the said panel according to the existing vacancies. The total number of candidates qualified in the stenography test were 75 which included the names of the concerned workmen except four as stated earlier. In any case the management should have filled up all the existing vacancies numbering about 128 at the time of promotion and thus the concerned workmen whose names appear in the

list of candidates declared qualified and found fit for promotion should have been promoted against existing vacancies. The management has denied promotion to these qualified candidates including the concerned workmen arbitrarily and with ulterior motives. The union which has sponsored this case made several representation to the management to promote all the qualified candidates to the post of Sr. P.A. against existing vacancies but to no avail. It is prayed on the above facts that the management be directed to fill up all the existing vacancies from among to qualified 75 candidates including the concerned workmen with retrospective effect from 15-II-9183. Alternatively it has been prayed that the management should set aside all the promotions which had been made and that the management should be directed to reconsider the promotion of different qualified candidates including the concerned workman in accordance with the rule of seniority-cum-merit and to promote all the concerned workmen according to the seniority with retrospective effect.

The case of the management is that the present reference is not legally maintainable as no workman has any right to claim for his promotion as a matter of right. D.P.C. was constituted in the year 1983 to consider the case of all the eligible candidates for promotion to the post of Sr. P.As in accordance with the norms laid down in the promotion scheme applicable for clerical staff and prepared a list of such candidates in order of preference. The said D.P.C. considered the cases of Sr. Stenographer/PAs. working in the Offices of Headquarters and Areas for promotion to the post of Sr. P.As. and fixed certain objective criteria taking into consideration the nature of job required to be performed by P.As./Stenographers. The qualified mark for consideration for promotion was fixed 35 for 100 words per minute typing speed. For judging merit of typing one mark was awarded to extra words per minute subject to maximum 15 marks. Thus each candidate had to obtain minimum of 35 marks for passing the typing test. 30 marks were set apart for seniority and 20 marks for CCR. The D.P.C. accorded marks to each eligible candidates on the basis of the criteria so fixed and prepared a panel of candidates in order of preference to be promoted according to available vacancies. The management took into consideration various factors such as requirements sanctioned post for promotion of some workmen out of the list recommended for promotion in order of preference. The name of the concerned workmen did not fall within the list of persons approved for promotion in order of preference and hence they could not be promoted. The D.P.C. is the only competent body to fix different marks on different heads taking into consideration the nature of jobs performed by a particular group of persons

The D.P.C. in this case acted in good faith and followed a sound principle in evaluating marks on objective basis.

A notesheet prepared by certain staff and officers at the lower level regarding number of vacancies in higher post does not reflect the sanction on approved posts to be filled up by promotion. Such matters are decided by higher level of the promotion. The D.P.C. submitted a panel of candidates in order of preference recommending for promotion and the management sanctioned the number of posts to be filled up by promotion and promoted such persons in order of preference. There was no question of supersession or irregularity in this respect. On complaints made the matter was re-examined by an expert body to reassess the marks secured by different Candidates in typing test according to the criteria fixed by the D.P.C. The said report was accepted and necessary corrective measures were taken. The allegations levelled against the D.P.C. and the management are incorrect that there were 69 vacancies of Sr. P.A. on 1-1-83 and 128 vacancies as on 11-10-85. Such number of posts were never sanctioned or approved by the competent authority. The promotions were considered according to the principle of 'seniority-cum-merit' basis under which a workman must pass the test for deciding his suitability for the job. It is not correct to say that seniority has not been given weightage. In the case of seniority-cum-merit the persons must not only be suitable for promotion but also must possess extra merit than other suitable candidates. The suitability has to be judged on the basis of trade test and CCR and then only the question of seniority-cum-merit are given consideration. The workmen cannot demand for creation of posts for filling up more number of higher posts to give promotion to them and this is purely a management function. Under the above circumstances the action of the management is legal and bona-fide and the concerned workmen are not entitled to any relief.

The issue to be determined in this reference is whether the concerned 23 workmen who are working as Sr. Stenographers should have been promoted by the management as Sr. P.A.

The workmen and the management each examined one witness in support of their respective cases. The documents of the workmen have been marked Ext. W-1 to W-17 and the documents on behalf of the management have been marked Ext. M-1 to M-6. Some of the facts in this case are admitted. The concerned 23 workmen are working as Sr. Stenographers whose cases were considered by the D.P.C. for promotion to the post of Sr. P.A. Ext. W-5 dt. 19/20-4-83 contains the list of Sr. Stenographers who were considered for promotion to the post of Sr. P.A. by a D.P.C. Ext. W-6 dt. 4-5-83 is the vigilance

clearance in respect of all 75 Sr. Stenographers whose cases were considered for promotion as Sr. P.A. Admittedly 12 out of the said list were promoted as Sr. P.A. vide office order dt. 15-11-1983 and 11 Sr. Stenographers were promoted as Sr. P.A. vide Office order dt. 7-1-84. It is also admitted that the said list of 75 Sr. Stenographers who were considered for promotion as Sr. P.A. by D.P.C. includes the names of all the concerned workmen except Sl. No. 4, 5, 19, 22 and 23 of the reference order but those persons were not promoted as Sr. P.A. It is also admitted that on the representation of the workmen and the union the copies regarding stenography test were scrutinised primarily by an internal audit which found on random examination of the stenography test papers that the marks were not properly assessed and thereafter on receipt of the said internal audit report a committee known as Giri committee was constituted to reassess the stenography test papers in respect of all the papers and that the said committee after reassessment of the stenography test papers reassessed the marks in respect of different candidates as a result of which 4 candidates promoted as Sr. P.A. were reverted back to the post of Sr. Stenographer. Ext. W-7 is an office order dt. 7/8-1-85 which shows that 12 Sr. Stenographers were promoted to the post of Sr. P.A. vide office order dt. 15-11-1984 and that 11 Sr. Stenographers and one Sr. Stenographer were promoted to the post of Sr. P.A. Subsequently by office order dt. 7-1-84 and 27-4-84. It is stated in Ext. W-7 that these promotions were ordered on the basis of the recommendation of the D.P.C. constituted by the management which held short hand test in January and March 1983 and also considered the CCRs and seniority of the Sr. Stenographers concerned. It is stated that after the above promotion orders were issued complaints/representations were submitted by some of the Sr. Stenographers who were promoted and also by some of the trade unions and thereafter the matter was investigated by the management and it was found that some of the Sr. Stenographers who had failed in the shorthand test were declared as having qualified in the test some others who had actually qualified in the test according to the standards adopted by the DPC were declared having failed and there were also errors in properly correcting the answer papers relating to shorthand test in some cases. As such in the light of the above finding the whole matter was reviewed and it was concluded that Smt. Prema Subramaniam S/Shri B.N. Ghosh Sushil Jha and Suresh Chandra Gupta Sr. Stenographers were wrongly promoted to the post of Sr. P.A. although they did not qualify in the test for promotion. On review it was further found that 18 Sr. Stenographers had also qualified in the short hand test and became eligible for consideration for promotion to the post of P.A. but they were not covered by the list of the promotees. The said office order

further shows that there were only 24 vacancies of Sr. P.As and accordingly 24 Sr. Stenographers were promoted as recommended by the D.P.C. 18 Sr. Stenographers named in the office order who had qualified in the short hand test and had become eligible for consideration for promotion are promoted to the post of Sr. P.A. with immediate effect by upgrading 14 posts of Sr. Stenographers to the post of Sr. P.A. in order to accommodate the above 18 Sr. Stenographers. It was also ordered that the seniority of all 38 candidates was to be re-drawn on the basis of inter-se merit. The above facts are admitted facts. The workmen have claimed promotion as Sr. P.A. on the ground that the D.P.C. which had considered the case of promotion of the Sr. Stenographers including the concerned workmen was not properly constituted as required by the Cadre scheme and was constituted arbitrarily in violation of the norms laid down in the cadre scheme. The second objection is that as per cadres scheme the promotions are to be made on the basis of seniority-cum-merit but the promotions in the present case were made arbitrarily by allotting arbitrary and irrational marks under different heads. Although the concerned workmen except Sl. No. 4, 5, 19, 22 and 23 were included in the panel of promotion of Sr. P.A. by the D.P.C. they were not promoted and Sr. Stenographers junior to them were promoted as Sr. P.As.

Ext. W-1 which is equivalent to Ext. M-1 dt. 20-6-77 is the promotion policy for ministerial cadre in BCCL. The D.P.C. for supervisory grade on companywise basis constitutes by of the Chief Personnel Manager as Chairman nominee of Technical Directorate, to be nominated by (DT) nominee of Commercial Directorate to be nominated by D(C) nominee of Chief Finance Manager, one of the Area General Manager to be nominated by D (P & A) and Dy. Personnel Manager (MP and R) as the members of the D.P.C. vide para-1 of Ext. M-1. It is submitted on behalf of the workmen that the D.P.C. which was constituted by the management for the promotion of the Sr. Stenographers to the post of Sr. P.As were not in accordance with these said constitution of the D.P.C. Ext. W-3 shows that D.P.C. was formed to assess the suitability of the existing Stenographer for promotion to the post of Sr. P.As and the Committee consisted of Shri S.B. Roy, Addl. C.M.E. as Chairman, Shri A. Mitra, Additional C.P.N.(IA), Sr. V.K. Agarwal, Manager (EDP), Shri S.S. Mukherjee, P.M. (NEE) and Shri M.Z. Abedin, P.S. to D(P) as members. MW-2 Shri R.S. Giri was the Member Secretary of the expert Stenographer committee set up for consideration of the stenography test papers of the Sr. Stenographers whose cases were considered by the D.P.C. According to him the said committee was constituted by the Directorate of Personnel and not by the D.P.C. His evidence will

show that Shri S.B. Roy constituting the DPC was a General Manager and he was not a Chief Personnel Manager. It appears therefore that Shri S.B. Roy who was appointed as Chairman of the D.P.C. was not a Chief Personnel Manager. The Chairman of the D.P.C. was required to be the Chief Personnel Manager according to Ext. W-1. Shri M.Z. Abedin was private secretary to the Director of Personnel who was one of the members of the D.P.C. MW-1 has stated that Shri M.Z. Abedin was a Private Secretary and was not of the rank of Dy. Personnel Manager. He has further stated that Shri M.Z. Abedin was not appointed as member of the D.P.C. by the Technical Director, Commercial Director or Chief Finance Manager. He has further stated that Shri A. Mitra, V.K. Agarwal and Shri S.S. Mukherjee were not the nominees of the Technical Directorate, Commercial Directorate or Chief Financial Manager. On comparison of the personnel to constitute DPC for supervisory grade as stated in Ext. M-1 or Ext. W-1 it will appear that the Chairman and the members constituting the D.P.C. as shown in Ext. W-3 were not in accordance with the personnels named in Ext. M-1. It is clear, therefore, that the persons constituting the D.P.C. as shown in Ext. W-3 were not in accordance with the D.P.C. which had been constituted for supervisory grade vide Ext. M-1. It is clear that the constitution of the D.P.C. Chairman and the members which had considered the case of the Senior Stenographers for promotion to the post of Sr. P.As were not constituted according to the promotion policy as envisaged in Ext. M-1. I hold therefore that the D.P.C. was not constituted according to the cadre scheme and the said constitution of the D.P.C. was void and is violation of the norms laid down in the cadre scheme. Accordingly the consideration of the Sr. Stenographer for promotion to the post of Sr. P.As by an illegally constituted D.P.C. cannot be held to be valid.

It has been submitted on behalf of the workmen that the promotion from Sr. Stenographer to the post of Sr. P.As was to be made on the basis of seniority-cum-merit, but promotions were made in the present case arbitrarily by allotting arbitrary and irrational marks under different heads. The principle of promotion are dealt with in para 6.0 of 6.2 of the promotion policy for ministerial cadre Ext. M-1. In para 6.1 of Ext. M-1 it is provided that for the purpose of promotion from Grade-III to Grade-II and from Grade-II to Grade-I employees will be promoted on the basis of seniority as the main criteria subject to their satisfactory performance. The employees from Grade-I to special Grade will be promoted on the basis of seniority-cum-suitability through D.P.C. The promotions from special cadre to supervisory grade will also be on the basis of seniority-cum-merit through D.P.C. Para-62 provides that similarly for

Stenographer, seniority-cum-merit shall be criteria for promotion from the post of Junior Stenographer to the post of Sr. Stenographer and from the post of Sr. Stenographer to the post of Sr. P.A. Thus it is clear from para 6.2 of the promotion policy that seniority-cum-merit is the criteria for promotion from the post of Sr. Stenographer to the post of Sr. P.A. Where the promotion is based on seniority-cum-merit, an employee cannot claim promotion as a matter of right by virtue of his seniority alone. If he is found unfit to discharge the duties of higher post he may be passed over and an employee junior to him may be promoted. In other words it means that the promotion has to be made on the basis of seniority provided that the employee is found not fit for the job. It is only when 2 or 3 employees have for same seniority that merit will decide as to which of the employees has to be first promoted out of them. It has been observed in some of the decisions that in making promotions where seniority-cum-merit is the criteria the employee should be considered in the order of seniority and judges having regard to his efficiency and if he is found efficient enough to discharge the duties he should be promoted. Considering the above principle it will appear that on perusal of the D.P.C. report Ext. M-3 that the authorities concerned have not proceeded on the basis of seniority-cum-merit which is the test to be adopted in promoting the Sr. Stenographer to the post of Sr. P.A. On perusal of Ext. M-3 it will appear that D.P.C. adopted the following norms for promotion :—

1. Seniority—30 marks (21 marks for first 2 years, 2 marks for additional years subject to maximum 30 marks).
2. Stenography test—50 marks for 100 W.P.M. 35 marks, for each additional 2 words per minute 1 mark subject to maximum of 15 marks and
3. CCR—20 marks
 - (a)—2 marks per point (b) 1-1/2 marks per point (c) 1 mark per point (d) 1/2 mark per point.

It will thus appear from the said norms that the D.P.C. had already allotted marks for seniority. In the matter of promotion where seniority-cum-merit is the criteria, seniority has to be considered according to the seniority list published in respect of a cadre by the management and the D.P.C. cannot usurp by adopting a new norm to assess the seniority by allotting marks in the way they have shown to have adopted for allotting marks for seniority. The D.P.C. in the case of seniority-cum-merit had only to find out if the Sr. Stenographers were fit to discharge their duties of the higher post and if they were found to be fit he would be promoted and his

seniority would continue as given in the seniority list of Sr. Stenographers. It is only when a Sr. Stenographer is found unfit to discharge the duties of the higher post that he may be passed over and an employee junior to him may be promoted occupying a higher position in the seniority list. The D.P.C. by allotting 30 marks for the seniority had adopted the norm which they were not competent to adopt for finding out the seniority of an employee. In this view of the matter I hold that by adopting a norm for promotion by allotting 30 marks for the seniority was against the principles of the promotion on the basis of seniority-cum-merit as envisaged in the promotion policy of the management. As the D.P.C. and the subsequent Giri committee did not consider this aspect of the matter, the entire marking allotted by the D.P.C. was against the promotion policy and it was an arbitrary act which could not be accepted. Ext. M-2 which is equivalent to Ext. W-4 is the final seniority list of Sr. Stenographers working in different Headquarters/areas of collieries/projects of BCCL. On comparison of this seniority list and the list of Sr. Stenographer's recommended for promotion to the post of Sr. P.A. in Ext. M-3, it will appear that the seniority of the Sr. Stenographers as mentioned in the seniority list has not been maintained while promoting them as Sr. P.A. It is clear therefore that the promotions to the post of Sr. P.A. were not made on the basis of seniority-cum-merit and as such the entire list of promotion and the promotion of the persons from the post of Stenographer to the post of Sr. P.A. has to be discarded as no valid promotion can be made on the basis which has been adopted by the management.

Ext. W-17 dt. 12-6-1984 is a letter issued by the General Manager (P), BCCL regarding reservation for SC/ST in appointment and promotion in BCCL. An extract of the circular dt. 16-2-1982 from Bureau of Public enterprises, Ministry of Finance Forms part of Ext. W-17. Para-9(AA) of Ext. W-17 relates to promotion through limited departmental competitive examination. It will appear that there is a reservation of 15% and 7 1/2% of vacancies for SC/ST respectively in promotion made on the basis of competitive examination limited to departmental candidates in Group B, C and D Posts. In promotion through departmental competitive examination, scheduled caste/scheduled tribe candidates who have not acquired the general qualifying standard should also be considered for promotion provided they are not found unfit for such promotion. The qualifying standard in such examination should be relaxed in

favour of SC/ST candidates in keeping with the above-criterion. On perusal of the D.P.C. report Ext. M-3 it will appear that no such consideration in respect of SC/ST have been made while considering the case of promotion of the Sr. Stenographer, to the post of Sr. P.A. Non-consideration of the case of SC/ST in the promotion also vitiates the promotion of the employees of the Sr. P.As.

It has been submitted on behalf of the workmen that the vacancy position of Sr. P.As. in BCCL is stated in Ext. W-2 which is equivalent to Ext. M-5. Ext. W-2 is a note by Personnel Manager dt. 10-2-83 indicating the vacancy position of Sr. P.A. It shows that there were 16 vacancies in BCCL. It is stated that there were 103 E-VI officers who should be attached with Sr. P.A. and as such BCCL should have 103 Sr. P. As. whereas they are having 34 Sr. P.As. only and as such there were 69 vacancies of Senior P.A. The Personnel Manager expressed that O&M department may make an indepth study so as to get the posts sanctioned for appointment of Sr. P.A. through D.P.C. This note has been taken by the workmen to show that there were 69 vacancies of Sr. P.As and as such the concerned workman should also be promoted in the posts lying vacant. It appears that there has been mis-conception about the vacant posts of Sr. P. As. According to the norms Ext. W-2 each E-VI Officer is entitled to have a Sr. P.A. but the posts of the Sr. P.A. so as provide one Sr. P.A. to each of the E-VI officer has to be sanctioned by the management. The Personnel Officer in Ext. W-2 has only arrived at the figure which shows that 69 posts of Sr. P.A. should be created so as to provide the Sr. P.A. to each of the E-VI officer and that the matter was still to be examined by the higher management to see as to how many posts of Sr. P.A. has to be sanctioned. It cannot therefore be said that 69 vacancies of Sr. P.As. in BCCL exist so as to promote the concerned workmen as Sr. P.A. The promotion has to be made on the basis of the sanctioned strength of the P.A.'s and the figures in Ext. W-2 cannot be taken to show that there were 69 vacancies for the posts of Sr. P.A. unless the said posts are sanctioned by the management. I hold therefore that the number of vacancies of Sr. P.As in 1983 was not 69 in number.

In consideration of the above facts it will appear that as the D.P.C. was not properly constituted in accordance with the cadre scheme and the promotions to the posts of Sr. P.A. were not made on the basis of seniority-cum-merit, I hold that the entire procedure regarding the promotion of the Sr. Stenographers to the posts of Sr. P.A. was illegal and arbitrary and the said promotion therefore cannot be sustained and all the promotions have to be set aside and the

management has to reconsider the matter of promotion of all the Sr. Stenographers to the posts of Sr. P.A. in accordance with the principles as laid down in the cadre scheme.

In the result, I hold that the demand of ROMS that the concerned workmen who are working as Sr. Stenographers should be given promotion by the management of BCCL is not justified. However, as discussed above, the promotions of the Sr. Stenographers to the post of Sr. P.A. were illegal, arbitrary and not in accordance with the principles of cadre scheme and as such the entire order of promotion is set aside and the management is directed to hold a fresh D.P.C. for the promotion of Sr. Stenographers to the post of Sr. P.A. by constituting a new D.P.C. in accordance with the promotion policy and they should also consider that the promotion is made on the basis of seniority-cum-merit.

This is my Award.

I.N. Sinha Presiding Officer
[No. L—20012/118/86-D. IIICA]
P.V. SREEDHARAN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1987

का. अ. 3047:—प्रयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एयरोनोटिकल कम्युनिकेशन स्टेशन के प्रबंधन में सम्बद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट प्रयोगिक विवाद में प्रयोगिक अधिकरण, अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 सितम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 14th October, 1987

S.O. 3047.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Ahmedabad, in the industrial dispute between the employers in relation to the management of Aeronautical Communication Station and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE SHRI A. N. RAM, INDUSTRIAL TRIBUNAL,

AHMEDABAD

Ref. (ITC) No. 8 of 85

Adjudication

BETWEEN

Aeronautical Communications, Rajkot

AND

The workmen employed under it.

In the matter of the workmen's demand regarding termination of service of one Shri S. M. Joban.

APPEARANCES :

Shri R. A. Patel and Shri Z. K. Saiyed Govt. Pleaders,
City Civil Court, Ahmedabad—for the First Party.

Shri H. K. Rathod, Advocate—for the workmen.

AWARD-Part-II (Final)

This dispute between the Aeronautical Communications, Rajkot and their workmen, has been referred to this Tribunal by the Govt. of India, Ministry of Labour/Rehabilita-

tion, Department of Labour Order No. L-11012(7)83, D-II(B) dt. 26-12-84 read with Corrigendum No. L-11012(7)83-D, II(B) dated 5-3-85. The dispute pertains to the termination of the services of one Shri S. M. Joban, Peon. The exact terms of reference are as under :—

"Whether the action of Administration of the Aeronautical Communications, Rajkot in terminating the services of Shri S. M. Joban, Ex-Peon from 19-6-82 is justified? If not to what relief the workman is entitled?"

2. The statement of claim in support of the demand was filed on 9-12-85 (Ex. 12). The 1st Party had filed preliminary objections on 10-1-86 (Ex. 16), challenging the jurisdiction of this Tribunal to try and entertain the reference made to this Tribunal. It was urged that the 1st Party was not an 'Industry' under the Industrial Disputes Act; that further the workman concerned in this reference was not a 'Workman' within the meaning of the term under the said Act. The parties were fully heard on the preliminary issues raised by the 1st Party and this Tribunal passed an Award Part-I on 2nd December, 1986 rejecting the contentions of the 1st Party. The matter was then proceeded with on merits.

3. In the statement of claims (Ex. 12) it has been stated that the workman had joined the services under the First Party on 1-5-80 and that he was removed from service on 19-6-82. No notice pay or retrenchment compensation had been given to him. It has been further stated that the workman concerned had worked continuously during the period from 1-5-80 till 19-6-82; that the 1st Party had violated the provisions of Section 25 F of the I.D. Act. It has, therefore, been urged that the termination is illegal and the workman should be reinstated with full back wages.

4. The 1st Party has not filed the written statement on the merits of the case. The workman has given oral evidence before the Tribunal (Ex. 29). On behalf of the 1st party the evidence of one Shri Janardan Bhandu Sona, Asstt. Technical Officer (Ex. 30) was led before the Tribunal. In his oral evidence before the Tribunal the workman has stated that he had joined the services under the 1st Party on 1-5-80 and that he was removed from service on 19-6-82; that no show cause notice was given to him before he was removed; that no memo or charge sheet was issued to him before he was removed from service; that he was not given any notice pay or retrenchment compensation before he was removed from service; that he had worked continuously for 2 years. He has stated that he is unemployed since he was removed from service. In the evidence given by the witness appearing for the First Party it has been stated that in his appointment Order it was specifically stated that he was appointed on a purely temporary basis; that he could be removed at any time without notice.

5. I have heard the parties fully and I have also gone through the evidence on record. Now the uncontroverted position is that the workman concerned had joined the services with the 1st Party on 1-5-80 and that he was removed from service on 19-6-82; that his services were continuous during this period of 2 years; that prior to his removal from service no notice pay or retrenchment compensation has been given to him; that he has not been removed for any misconduct. In the case of State Bank of India vs. Shri N. Sundara Money (1976-ILLJ-p. 478) the Supreme Court has observed :—

"Termination.....for any reason whatsoever" are the key words. Whatever the reason, every termination spells retrenchment. So the sole question is—has the employee's service been terminated? Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master of the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced.....True, section speaks of retrenchment by the employer and it is urged that some

act of volition by the employer to bring about the termination is 'essential to attract S. 25F and automatic extinguishment of service by efflux of time cannot be sufficient.....Words of multiple import have to be winnowed judicially to suit the social philosophy of the statute. So scanned we hold that the transitive and intransitive senses are covered in the current context. Moreover, an employer terminates employment not merely by-passing an order as the service runs. He can do so by writing a composite order, one giving employment and the other ending or limiting it. A separate, subsequent determination is not the sole magnetic pull of the provision. A preemptive provision to terminate is struck by the same vice as the post-appointment termination. Dexterity of diction cannot defeat the articulated conscience of the provision".

Again in the case of Mohanlal vs. Bharat Electronics Ltd (1981, LAB. IC p. 806) the Supreme Court has observed :—

"Niceties and semantics apart, termination by the employer of the service of workman for any reason whatsoever would constitute retrenchment except in cases excepted in the section itself. The excepted or excluded cases are where termination is by way of punishment inflicted by way of disciplinary action, voluntary retirement of the workman, retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, and termination of the service of a workman on the ground of continued ill-health."

Thus the removal of Shri S. M. Joban from service by the 1st Party is clear case of retrenchment as is evident from the evidence on record.

The First Party has however not followed the mandatory provisions of Section 25F of the I.D. Act, 1947. Therefore, as held by the Supreme Court in the case of State of Bombay vs. Hospital Mazdoor Sabha, 196 ILLJ-p. 251, the non-compliance of the mandatory provisions of Section 25F of the I.D. Act, 1947 will make the retrenchment invalid and inoperative. It was tried to urge on behalf of the 1st Party that the workman concerned was appointed on a purely temporary basis and he had no right of permanency etc. In this connection, it may be stated that the Madras High Court in the case of English Electric Co. of India Ltd. vs. Industrial Tribunal and another (1987 ILLJ p. 141) while dealing with the case of termination of casual employees has observed :—

"With respect to the learned Judge we may point out that the fact that a casual employee has put in 240 days of service does not automatically entitle him to the status of a permanent employee though it cannot be disputed that in such a case the termination as such of his employment has to be in accordance with the provisions of Section 25F of the Act. Therefore, the question as to whether the services of a casual employee have been terminated and if so whether there is compliance with the provisions of Section 25-F of the Act in the case of casual employees who have put in 240 days service, cannot be clouded by the notion that such an employee has acquired a permanent status."

Therefore it is clear that the provisions of Section 25 are attracted even in the case of casual employees. There is no reason why it should not be attracted in case of temporary employees. This counters the pleadings made on behalf of the 1st Party. Thus the removal of the workman from service is retrenchment and since the 1st Party has violated the mandatory provisions of Section 25, the termination is void ab-initio. It is also an admitted position that a new person was appointed in the resulting vacancy.

Now it is pertinent to point out that in the case in question the First Party has not produced any evidence to show that the workman concerned in the reference was gainfully employed during the interim period. The workman in his

evidence before the Tribunal has stated that he has been unemployed ever since he was removed from service by the 1st Party. Therefore the issues are answered as follows :—

1. The action of the administration of the Aeronautical Communications, Rajkot in terminating the service of Shri S. M. Joban, Peon is void ab-initio and inoperative.
2. The workman concerned shall be deemed to continue in service with all consequential benefits, namely full back wages and other benefits.

I, therefore, direct that Shri S. M. Joban should be taken back in service and be paid full back wages and other benefits. The arrears payable to the workman arising as a result of these directions shall be given to him within 3 months of the coming into operation of this Award. The workman shall also be paid by the First Party costs estimated at Rs. 500 (Rupees Five hundred only).

Dt. Ahmedabad, 26th August, 1987.

[No. L-11012/7/83-D, II(B)]

का. धा. 3048.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एयरोड्रोम आफिसर, भावनगर के प्रबंधन से सम्बन्धित नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 25 सितम्बर, 1987 को प्राप्त हुआ था।

S.O. 3048.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Aerodrome Officer, Bhavnagar and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE SHRI A. N. RAM, INDUSTRIAL TRIBUNAL.

AHMEDABAD

Ref. (ITC) No. 5 of 85.

Adjudication

BETWEEN

Aerodrome Officer, Bhavnagar.

AND

The workmen employed under him

In the matter of the workmen's demand regarding termination of service of one Shri P. K. Sardhara.

APPEARANCES :

Shri R. A. Patel and Shri Z. K. Saiyed, Govt. Pleaders, City Civil Court, Ahmedabad—for the First Party.

Shri Gangadhar Raval, Advocate—for the workmen.

AWARD (Part-II-Final)

This dispute between the Aerodrome Officer, Bhavnagar and the workmen employed under him has been referred to this Tribunal by the Govt. of India, Ministry of Labour/ Rehabilitation, Department of Labour, Order No. L-11012-(2)/84-D-II(B) dt. 12-12-1984 read with Corrigendum No. L-11012(2)/84-D-II(B) dt. 2nd March, 1985. The dispute pertains to the termination of the services of one Shri P. K. Sardhara. The exact terms of the reference are as under :—

"Whether the action of the management of Aerodrome Officer, Civil Aviation, Bhavnagar in terminating the service of Shri P. K. Sardhara, a casual labour without any notice is justified? If not, to what relief the workman is entitled to?"

2. On behalf of the workmen, statement of claim was filed on 14-10-85 (Ex. 8). The First Party had filed certain preliminary objections challenging the jurisdiction of the Tribunal to try and entertain the reference made to this Tribunal. It was stated that the First Party is not an

'Industry' under the I.D. Act and that the workman concerned. In the reference was not a 'Workman' within the meaning of the term under the I.D. Act. The parties were fully heard on the preliminary issues raised by the First Party. This Tribunal passed an Award Part-I on 22nd November, 1985 rejecting the contentions of the First Party. The matter was thereafter proceeded with on merits.

3. In the statement of claim (Ex. 8) it has been stated that the workman had joined the services under the First Party on 4-9-81 as a Chowkidar and that he was removed from service on 1-10-82; that no notice pay or retrenchment compensation has been given to him; that after his removal from service persons junior to him have been continued and fresh persons have also been taken up in service; that there has been a violation of the provisions of Section 25F, G, H of the I.D. Act; it has been urged that the termination is illegal and that the workman should be reinstated with full back wages.

4. After the passing of the Award Part-I on 22-11-85, the First Party filed its written statement on 27-3-86 (Ex. 9). It has been stated inter alia that the workman was appointed temporarily on daily wages as Chowkidar; that posts of Class-I, II, III and IV and daily wage employees are sanctioned by the Union of India and the provisions for the pay and allowance are made in the budget of the Union of India; that the sanction for the daily-wages chowkidar was made only upto 30-9-82 and the services of the workman concerned were terminated by giving one month's notice; it has been urged that the termination of the service of the workman concerned is legal and proper and that there is no breach of the provisions of the Act and that he is not entitled to any relief as claimed by him.

5. On behalf of the workmen, 4 documents have been brought on record (Listed at Ex. 10). The workman has given the oral evidence before this Tribunal (Ex. 17). No oral evidence has been led on behalf of the First Party.

6. I have heard the parties fully and have also gone through the documents on record. The workman in his evidence has stated that he had joined the services under the First Party as a Chowkidar from 4-9-81; that he was removed from service on 1-10-82; that he has worked continuously; that prior to his removal from service he has not been paid any notice pay or retrenchment compensation; that new persons have been employed after he was removed from service. In his cross-examination; he has admitted that he had received notice of termination one month in advance. No counter evidence has been produced by the first Party and therefore the evidence given by the workman remains uncontroverted. The workman has stated that he has put in one year of continuous service. This fact has not been denied by the First Party. From the evidence on record it is clear that the workman has not been given any retrenchment compensation before he was terminated. He has not been removed for any misconduct. In the case of State Bank of India vs. Shri Sundara Money (1976-1-LLJ-478) the Supreme Court has observed :—

"Termination.....for any reason whatsoever are the key words. Whatever the reason, every termination spells retrenchment. So the sole question is—has the employees' service been terminated? Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master of the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced.....True, the section speaks of retrenchment by the employer and it is urged that some act of volition by the employer to bring about the termination is essential to attract Section 25F and automatic extinguishment of service by efflux of time cannot be sufficient.....Words of multiple import have to be winnowed judicially to suit the social philosophy of the statute. So scanned we hold that the transitive and intransitive

senses are covered in the current context. Moreover, an employer terminates employment not merely by-passing an order as the service runs. He can do so by writing a composite order, one giving employment and the other ending or limiting it. A separate subsequent determination is not the magnetic pull of the provision, pre-emptive provision to terminate is struck by the same vice as the post-appointment termination. Dexterity of diction cannot defect the articulated conscience of the provision."

Again in the case of Mohanlal vs. Bharat Electronics Ltd. (1981 LAB IC p. 806) the Supreme Court has observed :—

"Niceties and servancies apart, termination by the employer of the service of workman for any reason whatsoever would constitute retrenchment except in cases excepted in the section itself. The excepted or excluded cases are where termination is by way of punishment inflicted by way of disciplinary action, voluntary retirement of the workman, retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, and termination of the service of a workman on the ground of continued ill-health."

If the removal of Shri P. K. Sardhara from service by the First Party is clear case of retrenchment as is evident from the evidence on record.

The first party has however not followed the mandatory provisions of Section 25 F of the I.D. Act, 1947. Therefore, as held by the Supreme Court in the case of State of Bombay vs. Hospital Mazdoor Sabha, 196 I-LLJ-p. 251, the non-compliance of the mandatory provisions of Section 25F of the I.D. Act, 1947 will make the retrenchment invalid and inoperative. It was tried to urge on behalf of the 1st Party that the workman concerned was appointed on a purely temporary basis and had no right of permanency etc. In this connection, it may be stated that the Madras High Court in the case of English Electric Co. of India Ltd. vs. Industrial Tribunal and another (1987 I-LLJ p. 141) while dealing with the case of termination of casual employees has observed :—

"With respect to the learned Judge we may point out that the fact that casual employee has put in 240 days of service does not automatically entitle him to the status of a permanent employee though it cannot be disputed that in such a case the termination as such of his employment has to be in accordance with the provisions of Section 25-F of the Act. Therefore, the question as to whether the services of a casual employee have been terminated and if so whether there is compliance with the provisions of Section 25-F of the Act in the case of casual employees who have put in 240 days service, cannot be clouded by the notion that such an employee has acquired a permanent status."

Therefore it is clear that the provisions of Section 25 are attracted even in the case of casual employees. There is no reason why it should not be attracted in case of temporary employees. This counters the pleadings made on behalf of the 1st Party. Thus the removal of the workman from service is retrenchment and since the first party has violated the mandatory provisions of Section 25, the termination is void ab-initio. It is also an admitted position that a new person was appointed in the resulting vacancy.

Now, it is pertinent to point out that in the case in question the First Party has not produced any evidence to show that the workman concerned in the reference was gainfully employed during the interim period. The workman in his evidence before the Tribunal has stated that he has been unemployed ever since he was removed from service by the First Party. Therefore the issues are answered as follows :—

1. The action of the management of the Aerodrome Officer, Civil Aviation, Bhavnagar in terminating the service of Shri P. K. Sardhara, Chowkidar is void ab-initio and inoperative.
2. The workman concerned shall be deemed to continue in service with all consequential benefits, namely full back wages and other benefits.

I, therefore, direct that Shri P. K. Sardhara should be taken back in service and be paid full back wages and other benefits. The arrears payable to the workman arising as a result of these directions shall be given to him within 3 months of the coming into operation of this Award. The workman shall also be paid by the 1st Party costs estimated at Rs. 500 (Rupees five hundred only).

A. N. RAM, Industrial Tribunal
[No. L-11012/2/84-D. II(B)]

Ahmedabad.

Dt. 26th August, 1987

का. आ. 3049:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, द्विविज्जल परसोनल आफिसर नार्थर्न रेलवे के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28 सितम्बर, 1987 को प्राप्त हुआ था।

S.O. 3049.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Divisional Personnel Officer, Northern Railway and their workmen, which was received by the Central Government on the 28th September, 1987.

BEFORE SHRI ARJUN DEV. PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Reference No. L-41012(37)/85-D.II(B) dt. 7th March, 1986.

Industrial Dispute No. 57 of 1986

In the matter of dispute

BETWEEN

The Zonal President,
Uttar Railway Karamchhari Union,
96/196, Roshan Bajaj Lane,
Ganesh Ganj.
Lucknow.

AND

The Divisional Personnel Officer (M)
Northern Railway,
Lucknow.

APPEARANCE :

Shri B. D. Tewari—representative for the workman.
Shri :—None for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012(37)/85. D.II(B), dt. 7-3-1986, has referred the following dispute for adjudication to this Tribunal;

Whether the action of the Management of Divisional Personnel Officer (M), Northern Railway, Lucknow,

in fixation of the seniority of Shri R. C. Tewari at Sr. No. 431, in the seniority list of Fireman Grade 'B' is in order? If not, to what relief the workman is entitled to?

2. In the instant case the claim statement has been filed by Shri B. D. Tewari in his capacity as Zonal President U.R.K.U., Lucknow.

3. The case set up by him is that Shri R. C. Tiwari who is presently working as Driver in Loco Shed Northern Railway, Lucknow, was appointed as cleaner on 13-11-53. He was promoted as IInd Fireman on 2-1-57, as Fireman Grade 'B' in August 1970, as Shunter in 1980 and as Driver Grade 'C' in 1986. According to him Shri Tiwari passed his S.I.O. test in 1955. Despite that those junior to him in appointment and who had passed the S.I.O. Test later on were made senior to him. Amongst such juniors have been named Shri Hashmat Ali and Shri Jagdish Prasad who were recruited on 13-11-53 the date on which Shri Tiwari was recruited but whose dates of birth are 20-7-34 and 10-5-35, respectively. The date of birth of Shri Tewari is alleged as 13-3-34. Had above facts been kept in consideration Shri Tiwari would have got promotions as fireman in December 1955, instead of 2-1-57, as Fireman Gr. 'B' in 1965 instead of 1970, as shunter in 1978 instead of 1962 and as driver in 1983 instead of 1-1-86.

4. In the written statement the railway management admits that Shri R. C. Tiwari was appointed as cleaner on 13-11-53. According to the railway management he was promoted as Aagwala on 2-10-57, as Fireman Gr. 'B' on 25-8-70, as shunter on 5-5-81 and as Driver Gr. 'C' on 7-1-86. According to it the seniority is counted from the date of appointment and merit position in the panel and not on the basis of date of birth as has been sought to be shown in the claim statement. In the Panel, merit positions of Shri Jagdish Prasad, Shri Hashmat Ali and Shri R. C. Tiwari, at the time of initial appointment, were 1st, IInd and IVth respectively. It is, however, pleaded that the seniority of Shri Tiwari has been correctly fixed according to rules and his claim to seniority is baseless. The railway management has also challenged the authority of Shri B. D. Tewari to file the claim statement on the ground that of the union of which he claims to be Zonal Working President is not a recognised union and he should be put to strict proof of his authority.

5. In the rejoinder Shri B. D. Tewari has alleged that the seniority of the staff is determined on the basis of the where the dates of appointments are the same candidate older in age is considered as senior to the other. It is further alleged that no panel was formed at the time of recruitment as has been pleaded by the railway management.

6. In the instant case from the side of the union the affidavit of Shri R. C. Tiwari, the person alleged to have been affected has been filed and on behalf of the railway management affidavit of Shri S. P. Sibbal, Superintendent in the D. R. M. Office of the Northern Railway at Lucknow, has been filed. Both the persons have been cross examined by opposite party.

7. From the side of U.R.K.U. a photo copy of a letter dt. 27-4-78, from the Staff Inspector, N.R. to the Divisional Superintendent has been filed. No document has been filed from the side of the railway management. However, under the directions of my learned predecessor Shri S. P. Sibbal while he was under cross examination filed photo state copies of letters of appointment of S/Shri Jagdish Prasad, Hashmat Ali and Shri R. C. Tiwari.

8. In this case the evidence was recorded by my learned predecessor Shri R. B. Srivastava. On 12-8-87, 26-8-87 was fixed by me as the date for arguments. Despite giving of information to the parties, neither side appeared to argue the case on the date fixed. However, one Shri R. K. Misra appeared for Shri B. D. Tewari authorised representative for the workman. Since both the parties are from Lucknow, the case was fixed for arguments at Camp, Lucknow, on 7-9-87. Again on 7-9-87 none appeared from the side of the railway management to argue the case. From the record it appears that Shri B.P.S. Chauhan, Advocate, had been representing the railway management in the case. Therefore, on 7-9-87 I had to content myself with the arguments of Shri B. D. Tewari, representative for the workman Shri R. C.

Tiwari. On a careful consideration of the evidence and circumstances, I have come to the conclusion that the case put up by Shri Tewari as Zonal President, URKU, on behalf of workman Shri R. C. Tiwari who is admittedly working at present as driver grade C has no legs to stand upon.

9. In his affidavit Shri S. P. Sibbal has supported the facts pleaded in the written statement by the railway management, in his cross examination he has deposed that the seniority list of Shri R. C. Tiwari, and the other two workmen in question is not available. However offer of appointments are there in the service records of these three persons. Letters of their appointment are dt. 31-10-53 and in them the position of Shri Jagdish Prasad, Shri Hashmat Ali and Shri R. C. Tiwari have been given as 1st, IInd and IVth. This finds corroboration from the photo stat copies of the appointment letters filed by witness. He has admitted that their dates of birth are 10-5-35, 20-7-34 and 13-7-34, respectively. He has denied the suggestion put to him that there was no panel. He has also denied the suggestion that no panel was ever formed. He has also stated that for promotion as fireman Gr. C and Fireman Gr. B there is SIO Test.

10. On the other hand Shri R. C. Tiwari, has supported the facts alleged in the claim petition and in the rejoinder. In his cross examination he has deposed that no panel was ever formed at the time of his initial appointment. Rather a list was published by the management in which whereas his name appeared at serial no. 9, then the names of S/Shri Hashmat Ali and Jagdish Prasad appeared at no. 10. There appears to be a clerical error in recording his statement for both Shri Hashmat Ali and Shri Jagdish Prasad would not have been named at one serial number. The name of one according to the witness would have been at serial no. 11. He therefore, says that since he was senior to Shri Jagdish Prasad and Shri Hashmat Ali at the time of his initial appointment he calls himself senior to them. He has also deposed that Shri Jagdish Prasad and Shri Hashmat Ali were promoted as Aagwala before him in 1955. However, he has expressed his ignorance as to when Shri Hashmat Ali and Shri Jagdish Prasad were promoted as shunter.

11. The first point which needs consideration is whether at the time of initial appointment any merit list was prepared or not. The very fact that in his cross examination Shri R. C. Tiwari says that whereas his name appeared at serial no. 9 the names of other two appeared at serial no. 10 (should have been 10 and 11) goes to show that there must have been some merit list. There is no documentary evidence to support the facts deposed by Shri R. C. Tiwari. On the other hand the statement made by Shri S. P. Sibbal finds corroboration from the photo stat copies of letters of appointment issued to these three persons from the office of the Divisional Superintendent, Northern Railway, Lucknow. It is common knowledge that normally after written examination and interview a merit list of the successful candidates is published by the appointing authority. In the circumstances it is for the workman Shri R. C. Tiwari to prove the contrary. It is not denied by him in his cross examination that there was no interview. What he says is that he was interviewed only but no panel was formed.

12. It has been argued by the representative for the workman Shri Tewari, that in the matter of appointment of cleaner no merit list is prepared and that seniority is determined only on the basis of dates of birth. He has been unable to support his view point from any document on record. Had it been so he could have applied for summoning some of the records from the railway management to show that even today the seniority of cleaners after their selection is determined on the basis of dates of birth of the selected candidates. Hence, I see absolutely no force in his contention which even does not find support from the evidence on record. Secondly, it has been contended by Shri B. D. Tewari that Shri R. C. Tiwari passed his SIO test in 1955. In support of it he has placed reliance on the photo stat copy of some letter dt. 27-4-78, from the Staff Inspector, N. R. to the Divisional Superintendent N.R. Lucknow. The original letter was never summoned by

Shri Tewari representative for the workman from the railway management nor this letter was put to the management witness Shri S. P. Sibbal. The Staff Inspector who is said to have written this letter too has not been summoned by Shri B. D. Tewari to prove it. In the circumstances, the authenticity of the letter becomes doubtful. Even otherwise this letter is not of much evidential value to the workman. The enquiry is said to be with regard to the fact as to when SIO test of Shri R. C. Tiwari was held. Staff Inspector is said to have reported by means of this letter that the record concerning it was not available and that so far as he remembers it appears that the test was held in 1955. In the circumstances it became all the more necessary for the workman to have examined the Staff Inspector as a witness so that the opposite party could test him on his memory.

13. Shri R. C. Tewari, has then deposed towards the end of his cross examination that since 1956, when he learnt that persons junior to him had been promoted, he had been making representations to his superiors. It means that on the date of reference the controversy now raised by him had become 20 years old. But curiously enough he has not filed any document to show that he ever made any representation challenging the promotion of those who were junior to him. Had he in fact made any representation and had he persistently followed up the question, as he says now, he would not have waited for the redressal of his grievances under the I.D. Act, which has come into force long before his initial appointment for such a long time. Another important fact to be noted is that in the seniority list his name appears at serial no. 431 as will be evident from the reference made by the Central Government, Ministry of Labour to this Tribunal for adjudication. But according to him vide his claim statement the names of S/Shri Hashmat Ali and Jagdish Prasad appears at serial no. 344 and 345, respectively. It follows, therefore, that not only these two persons are senior to him but many other persons are also senior to him. There is nothing on record to show as to how persons other than these two persons had become senior to him.

14. Hence, from the above discussions of the evidence and circumstances I hold that the seniority list of Firemen Gr. B as prepared by management of D.P.O. Northern Railway, Lucknow, so far as Shri R. C. Tiwari, Driver Gr C is concerned is in order. Consequently R. C. Tiwari is found not entitled to any relief. Award is made accordingly.

Date : 18-9-87.

ARJAN DEV, Presiding Officer

[No. L-41012/37/85-D.II(B)]

HARI SINGH, Desk Officer

नई दिल्ली 15, अक्टूबर, 1987

का. अ. 3050.—औद्योगिक विवाद प्रक्रियाम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम बंगलूर के प्रबंधन से सम्बद्ध नियोजकों और उनके कार्यकार्यों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 15th October, 1987

S.O. 3050.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India Bangalore and their workmen, which was received by the Central Government on the 6th October, 1987.

87/1383 GI—12.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 23rd day of September, 1987

Sri B. N. Laje, B.A. (Hons) LL.B., Presiding Officer.

Central Reference No 59/87

Old Central Reference No 24/86

First Party

The regional Chairman,

Food Corporation of India,

Employees Union,

C/o Regional Office,

Arumugam Circle,

Basavanagudi, Bangalore-4.

V/s.

Second Party

(a) The Regional Manager,
Food Corporation of India,
Karnataka Region, 6/1

Arumugam Circle,

Basavanagudi, Bangalore-4.

(b) Food Corporation of India
represented by its Managing
Director, Parkhambalaim,
New Delhi.

APPEARANCES :

For the first party Sri Gopal Shastri,

For the second party Sri Y. K. Narayana Sharma,
Advocate.

AWARD

By order No. L-42011/9/85-D.V. dated 21-10-1986, the Ministry of Labour of the Government of India made the present reference to the State Government Industrial Tribunal.

2. By a General Order No. L-11025/A/87-D-IV (B) dated 3-2-1987, it has been transferred to this tribunal. The reference is at Sl. No. 61 in the said order.

POINT OF DISPUTE

"Whether the management of Food Corporation of India, Karnataka Region, is justified in not regularising 42 employees mentioned in the annexure, from the date of their appointment. If not, to what relief the said workmen are entitled?"

3. The first party union has then filed its claim statement. Its contentions, in brief are as follows:—

4. The regional Manager had sent a requisition to the employment exchange officer to sponsor names for the appointment to the post of category No. 3 and category No. 4. It was in 1975, 42 persons were selected out of the names sponsored by the employment exchange. On the receipt of appointment orders they reported for duty. Watchmen and sweepers of category 3 were paid Rs. 4-68 paise per day. The employees of category 3 were paid Rs. 8-60 paise per day. The scales of pay for the said categories in 1975 were as follows:—

(a) Cat. III—Rs. 290-10-380-12-440-15-485.

(b) Cat. IV—Rs. 210-4-250-5-290.

Instead of paying according to the said pay scales they were paying daily wages. They have made persistent demands for regularisation and payment of regular scales. Some of the employees elsewhere were offered the said scales but in Karnataka they were not given. In Tamilnadu the F.C.I. has regularised the services of its employees with effect from 20-11-1975, but in Karnataka it has been done with effect from 8-1-1976. The second party states that there were no sanctioned posts in 1975 and that there was ban on recruitment and that it was lifted on 8-1-1976. The conciliation proceedings failed. These 42 employees were entrusted with the same kind of work as was being performed by the employees of regular scale.

5. As per the regulations, the annual increment falls due on 1st January but an arbitrary date as 8-1-76 has been fixed for regularising their services, to deny them the benefit of one increment falling due on 1-1-1976. They have lost earned leave and seniority benefits, by such a decision. The action of the management is illegal. It is therefore prayed that the second party may be directed to regularise the services of these 42 workmen shown in annexure from the date of appointment itself and to grant them consequential benefits. (annexure enclosed).

6. During the pendency of the case the first party filed an application to implead the managing director of the F.C.I. By an order dated 1-6-1987 the prayer was allowed and a notice was sent to him by R.P.A.D.

7. On 25-6-1987 party no. 2(b) was called out but he did not appear.

8. However, on 1-7-1987 Sr. Y.K.N.S. has filed his authorisation for party No. 2(b).

9. Party No. 2(a) the Regional Manager of the Food Corporation of India has filed his counter statement and his contentions in brief are as follows:—

10. There is no proper representation. The first party has no legal status to raise the dispute. The reference is bad without the Food Corporation of India being made a party. Certain employees who are now working on permanent basis were formerly appointed on daily wages. It may be that some of them have been employed on permanent basis subsequently. The second party has acted in accordance with the directions of the Food Corporation of India and Central Government. Subsequently, as per the orders of the Food Corporation of India and Central Government, some persons were employed to category III and IV. It is not correct that the employees of the Karnataka region have been treated differently. It is true that the second party informed the employees that there was no sanction for the said posts in 1975 and that there was ban on recruitment. It is true that the conciliation has failed. The persons employed on daily wages cannot claim the benefits of permanent Government employees. It is incorrect that 8-1-1976, the date of regularisation is arbitrarily fixed. All these employees were not working on daily wages on 1-1-1976, so as to claim increment after one year. There is no loss of earned leave or seniority. They cannot claim that the date of appointment should be the date of regularisation for each of them. The reference may be rejected.

11. In view of the said pleadings the following two issues have been raised:—

(A) Whether there is no proper representation as contended by the second party in para 2 of the counter statement?

(B) Whether the first party workmen are entitled to the reliefs claimed?

12. The second party has examined one witness and has got marked Ex. M-1 to M-4.

13. The first party has not examined any witness but has got marked Ex. W-1 to W-10.

14. The parties have been heard.

15. My findings on the additional issues and point of dispute are as follows:—

(A) Additional Issue No. 1.—No

(B) Additional Issue No. 2.—No

(C) Point of dispute—The 42 employees are not entitled to get regularisation of the services made with effect from their respective dates of appointments.

REASONS

16. Additional Issue No. 1.

17. Ex. W-7 is the report made by the regional labour commissioner to the Secretary, Ministry of Labour regarding failure of the conciliation. It shows that the first party has been espousing the cause of these workmen. Ex. W-8 the minutes of the conciliation indicate that Sr. Gopal Shastri Regional Chairman of Food Corporation of India employees union had taken part in the conciliation proceedings. The evidence of MW-1 Bhaskara Rao, the Deputy Regional Manager does not show that the first party union has no locus standi or that it is not competent to espouse the case of the first party workmen. In my opinion Ex. W-7 and W-8 prove additional issue No. 1.

18. Additional Issue No. 2 and point of Dispute:—

19. The evidence of MW-1 Bhaskar Rao shows that these workmen have been appointed regularly with effect from 8-1-1976 and individual orders of the nature of Ex. M-1 have been issued to them. In para 8 of his evidence, he further states that prior to 8-1-1976 they were engaging workers on daily wages for the work of class III and IV workers. He has specifically stated that prior to 8-1-76 they have not appointed any person on regular basis. In para 8 of this evidence, he has been cross-examined to show that Ex. M-2 is the seniority list and that colm. No. 5 of Ex. M-2 shows the date of their initial appointment. In para 10 of his evidence MW-1 swears that prior to 8-1-76 there were no sanctioned posts and therefore they were engaging only daily wages. In order to substantiate their case that prior to 8-1-1976 there were no sanctioned posts and that there was a ban on recruitment, the management has produced Ex. M-1, a circular dated 20-12-1977. Ex. M-2 letter dated 20-11-75 has been relied upon to show that ban on recruitment was lifted only to the extent of 50 per cent in the case of watchmen in all the zones except north zone. The letter Ex. M-2 and evidence of MW-1 thus prove that there was a ban on recruitment and it was lifted to the extent of 50 per cent only on 20-11-75. Ex. M-2 gives a direction that in case of daily rated workers, there should be a condition that their services would stand terminated on the expiry of the period of appointment or until work for which they were appointed lasts. The circular Ex. M-1 dated 20-12-77 indicates that the question of regularising adhoc or temporary, and daily rated workers made from time to time in all the regions was examined in the meeting convened for that purpose and certain decisions were arrived at. The circular further shows that the persons working since prior to 8-1-76 on daily wages should be regularised with effect from 8-1-87. On going through the contents of Ex. M-1, it cannot be said that the second party fixed the date 8-1-76 arbitrarily. The meeting of the officers has taken consistent and reasonable decisions, as could be made out from Ex. M-1. Soon after the ban on recruitment to the extent of 50 per cent was lifted on 20-11-75, the management has convened the meeting of the officers on 12th and 13th of December, 1977 and immediately after that it has issued the circular Ex. M-2 on 20-12-77. These two documents and the evidence of MW-1 establish for the second party that there were no sanctioned posts of category III and IV, prior to 8-1-76 and that there was ban on recruitment, and that soon after it was lifted, the management has effected regularisation. The seniority list marked as Ex. M-2(a) shows that these 42 employees have been initially appointed on different dates as shown in column No. 5. The said list does not help the first party workmen for the simple reason that there were no sanctioned posts at all, against which they can claim regularisation with effect from their dates of initial appointment of 1975.

20. The learned counsel for the first party argued that the second party cannot discriminate as regards the employees who were on regular roll on the one hand and these workmen on the other hand for the period prior to 8-1-76, because the nature of work done by both of them was the same. He then pointed out that the second party is a state within the meaning of article 12 of the constitution of India and it cannot contend that it can pay higher wages for the persons appointed on regular basis prior to 8-1-76, and daily wages at a lesser date to these employees. He placed reliance on the case of Ramana Dayaram Shetty V/s. International Airport Authority of India (1979(II) LLJ page 217 and also on the case of Subinder Singh V/s. the Engineer in Chief CPWD (Writ petition 59-60 and 563-70/83 dated 17th January, 1986. He also cited the case Dharendra Chamoli

Via State of U.P. (Civil Writ petition Nos. 4821 and 4817, dated 5th August, 1985).

21. The point of reference is not whether these workers are entitled to difference in wages which they did not get as compared to the workers on regular pay-roll, but it is for regularisation. In the authority of Dhirendra Chamoli shown above, it has been clearly held that regularisation cannot be done since there were no sanctioned posts, but that they shall get the same salary.

22. Unless the first party proves that there were sanctioned posts and vacancies prior to 8-1-76, they cannot claim regularisation from any date prior to 8-1-76. Consequently it follows that they are not entitled to the relief claimed.

23. In the result, an award is passed to the effect that the second party was justified in not regularising these 42 employees shown in the annexure with effect from the respective dates of their appointments and that they are not entitled to any relief.

(Dictated to the Secretary taken down by him and got typed and corrected by me).

ANNEXURE

1. B. R. Umakanth
2. C. S. Kanakarathnam
3. K. N. Ananthalakshmi
4. K. S. Uma
5. Kum. Amruthavalli
6. N. Nanda Kumar
7. G. Selvaraj
8. P. Balakrishna
9. Maduri Selvan
10. D. Jankiran
11. G. Narayanappa
12. A. Paramasivan
13. R. Babu
14. N. Ramaiah
15. M. Krishnamurthy
16. H. D. Draiah
17. S. Lokanathan
18. D. Rangaswamy
19. T. M. Krishnanda
20. K. Rama
21. Channegowda
22. Nanda Kumar S. Kalgatti
23. N. Mariappa
24. N. Mallaiah
25. N. Venkataswamy
26. H. B. Rajashekar
27. N. Palani
28. Syed Atharulla
29. U. Venkatalarmma
30. Bhuvaneshwari
31. Siddaiah
32. Bhimmappa B. BIRTHANDANI
33. Chandrakantha Y. Kshirasagar
34. G. Sathyanarayana
35. Jayamma
36. Y. S. Badigar
37. Yekappa R. Ullikeshi
38. V. Govindaraj
39. N. Parameshwara
40. Mariswamy
41. H. B. Chickbasaiah
42. Balraj.

B. N. LALGE, Presiding Officer
[No. L-42011/9/85-D.V/D.II(B)]

का. भा. 3051 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम बंगलूर के प्रबंधन से सम्बद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिरक्षण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अक्टूबर, 1987 का प्राप्त हुआ था।

S.O. 3051.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India Bangalore and their workmen, which was received by the Central Government on the 6th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 25th Day of September, 1987

Shri B. N. LALGE, B.A. (Hons) LL.B., Presiding Officer
Central Reference No. 36/87
Old Central Reference No. 24/85

FIRST PARTY :

The President, F.C.I.
Employees Union,
C/o Regional Secretary,
F.C.I. Employees Joint Council,
Keerthi Kiran, Kanakapura Road,
Bangalore-4.
V/s

SECOND PARTY :

- (a) The Regional Manager
Food Corporation of India,
Regional Office,
Bassavanagudi,
Bangalore-4.
- (b) FCI represented by its
Managing Director
Barkhambe Laim,
New Delhi.

APPEARANCES :

For the first party Sri S. B. Swethadri, Advocate.
For the second party Sri Y. K. Narayana Sharma, Regional
Manager, F.C.I. Bangalore

AWARD

By an order No L-42011(10)/84-D.V. dated 20-9-1985, the Ministry of Labour Government of India made the present reference to the State Government Industrial Tribunal.

2. By a general order No. L-11025/A/87-D.IV(B) dated 13-2-87 it has been transferred to this Tribunal. The reference is at Sl. No. 37.

3. The point of dispute is as follows :—

“Whether the management of Food Corporation of India is justified in not paying the house rent allowance 25 per cent on basic pay plus dearness allowance (up to 320 points) to the employees working in Food Corporation of India at Bangalore w.e.f. 1-8-1982 as is being paid for other ‘A’ Class cities? If not, to what relief the workmen are entitled?”

4. The first party has then filed its claim statement. The contentions in brief are as follows :

5. For the purpose of house rent allowance, the Central Government has classified the cities in India. They are shown as A B (B-1 and B-2) C and non-classified. By a circular

order dated 19-5-76, the second party has adopted the said classification. For the purpose of house rent allowance and city compensatory allowance till 1-8-1982, Bangalore city was B-1 class city. By an order O.M. No. 11010/5/82-BJMB dated 1-2-1983, the Government has re-classified the cities on the basis of the 1981 population census. In the said order Bangalore City is shown as class A city. By an order No. 49/03 dated 26-6-83 the second party has accepted the said classification. The second party is paying 30 per cent H.R.A. to employees working in A class city such as Bombay and Delhi. In the remaining A class cities such as Madras and Hyderabad 25 per cent is paid as H.R.A. It has issued a circular dated 19-5-1976 to that effect. By an order dated 30-10-1982, the Government of India has merged D.A. and additional D.A. up-to the average of 320 points in the basic pay for the payment of H.R.A. and CCA. The second party has accepted the same by an order dated 23-4-1983, and it has given effect to from 1-2-1982. Presently the same is being paid to the employees of Bangalore treating it as B class city. Since the second party has accepted that Bangalore is A class city, it should pay house rent allowance at the rate of 25 per cent. The union made the demand for house rent allowance of 25 per cent on the basis of pay plus D.A. and additional D.A. upto 320 points. The second party is not paying the same on account of arbitrary attitude. The regulation 78 (III) of 1971 of the second party has been approved by the Central Government as per section 45 of the Food Corporation of India Act 1964. By virtue of an interim order passed in W.P. 8007/1985 the employees are being paid house rent allowance at the rate of 25 per cent. An award may be passed to that effect.

6. No. 1 of the second party has filed his statement of objections and in brief it reads as follows :—The reference is not in accordance with law. The first party has no right to raise the dispute. The Food Corporation of India should have been made a party. The Central Government shall have to approve the payment of allowances and therefore it is also a necessary party. The second party admits about the classification of the cities. It is true that house rent allowance is paid to the employees of Calcutta, Madras and Hyderabad as per regulations. There is no refusal to pay the house rent allowance. The matter has been taken up to the head office and the head office has taken it with the Food Department. Necessary clearance and approval are awaited. It is true that a writ-petition has been filed. It is still pending. Consequently to the re-classification of cities, the matter of payment of house rent allowance at 25 per cent of the basic pay plus 320 points was taken up with the Department of Food, but it has been intimated that for Bangalore and Ahmedabad house rent allowance can be allowed only on basic pay and excess amounts should be recovered with effect from 1-2-1982. The second party has taken up to matter with the Central Government again and a decision is awaited. The allegations made against the second party are not correct.

7. In view of the said pleadings the following additional issues were raised.

(a) Whether this dispute is not maintainable in view of the pending of W.P. 8007/85 before the Hon'ble High Court of Karnataka regarding payments of H.R.A. at 25 per cent ?

(b) Whether Order ?

8. The second party has filed 5 documents.

9. The matter was called for evidence and arguments on 29-4-1987. Ex. W-1 to W-5 were not marked by the first party. Both the parties then submitted that they have no oral evidence. They were heard and the matter was reserved for award.

10. On 8-5-1987 this court passed an order stating that Food Corporation of India is a necessary party whereas the Central Government is not a necessary party and an opportunity was given to the first party to implead the Food Corporation of India.

11. On 8-6-1987 the Food Corporation of India has been impleaded and has been added as party No. 2 (b).

12. On 21-7-1987 the learned counsel for the 2 (b) party has submitted a memo stating that the counter statement of party no. 2 (a) is adopted as the counter statement of party No. 2(b).

13. On 21-7-1987 the second party got marked Ex. M-1 and M-2 and the first party got marked Ex. W-6.

14. The parties have been heard.

15. My findings on the additional issues and point of dispute are as follows :—

(a) Additional issue No. 1:—The reference is maintainable. Issue is not pressed.

(b) Additional issue No. 2:—The first party workmen are entitled to the relief shown below.

16. Point of dispute.—The employees of Bangalore are entitled to the house rent allowance of 25 per cent on the basic pay plus D.A. plus additional D.A. upto 320 points with effect from 1-8-1982.

REASONS

17. Additional issue Nos. 1, 2 and point of disputes.

18. The new classification of cities as per the Government order dated 1-2-1983 Ex. W-1 where under the cities of Hyderabad and Bangalore, have become class A cities is admitted in para 2 of the counter statement. In para 3 of the counter statement it is further admitted that house rent allowance is being paid to the employees working in the city like Calcutta, Madras, Hyderabad and Bombay as per the provisions of the regulations. Ex. W-2 the circular dated 19-5-1976 shows that under the said circular the employees of class B1 cities were getting only 17 per cent of the basic as the house rent allowance. Hyderabad and Bangalore have been shown as B1 cities in the annexure Ex. W-2. Ex. W-3 dated 30-10-1982 shows that some percentage of the D.A. and additional D.A. were merged in the basic depending upon the quantum of the basic pay. Ex. W-4 dated 23-4-1983 shows that the Food Corporation of India adopted the circulars dated 26-7-1982 and 14-12-1982. The learned counsel for the first party has produced before me the judgement of special application No. 3091 of 1984 of the High Court of Gujarat. The said judgement dated 24-9-1985 supports the case of the first party that they are entitled to the house rent allowance at the rate of 25 per cent as claimed by them. The first party has further filed the interim order passed in W.P. No. 8007 of 1985 dated 20-9-1985. The interim order is to the effect that the Food Corporation of India should extend the H.R.A. benefits of the circular dated 23-4-1983 to the employees working in Bangalore in the same manner as extended to the employees serving in Calcutta, Madras and Hyderabad. Ex. W-6 is a circular dated 29-6-1987 and it indicates that the case of the workers to Panvel and Gurgaon has been already accepted by the management. It was brought to my notice that under Ex. M-1 and M-2 the F.C.I. has taken suitable steps to get the approval of the Government but Government approval is still awaited. In the light of the observations made in the special application No. 3019 of 1984 of the Hon'ble High Court of Gujarat, I find that there is no force in the contention of the second party that until approval is obtained from the Central Government the first party cannot claim H.R.A. as per the new circular. The letters at Ex. M-1 and M-2 do not justify the contention of the second party that they cannot be asked to pay the H.R.A. as claimed by the employees until the Government approves the same. I find that the employees are entitled to get the relief claimed.

19. In the result, an award is hereby passed that the second party Food Corporation of India was not justified in not paying the H.R.A. as claimed, and that it shall pay the H.R.A. at the rate of 25 per cent on the basic pay plus dearness allowance upto 320 points to the employees working in the F.C.I. Bangalore as indicated in the circular dated 23-4-1983, Ex. W-4.

(Dictated to the Secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-42011/10/84-D. V/DJI(B)]

का. मा. 3052.—प्रयोगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अन्वय में, केन्द्रीय सरकार, एरोड्रोम आफिसर सिविल एविएशन डिपार्टमेंट के प्रबंधन से सम्बद्ध नियोक्ता और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट प्रयोगिक विवाद में केन्द्रीय सरकार प्रयोगिक अधिकरण, अहमदाबाद के पंचाद को प्रकाशित करता है, जो केन्द्रीय सरकार का 6, अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3052.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Aerodrome Officer, Civil Aviation Department and their workmen, which was received by the Central Government on the 6th October, 1987.

BEFORE SHRI A. N. RAM, INDUSTRIAL TRIBUNAL, AHMEDABAD

Ref. (ITC) No. 6 of 86.
Adjudication

BETWEEN

Aerodrome Officer, Porbandar Air Port, Porbandar.

AND

The workmen employed under him.

In the matter of the workmen's demand regarding termination of services of Shri Rana Natha Garchar, Chowkidar.

APPEARANCES

Shri R. A. Patel and Shri Z. K. Saiyed Govt. Pleaders, City Civil Court, Ahmedabad—for the First Party.

Shri M. K. Rathod, Advocate—for the workmen.

AWARD-Part-II (FINAL)

This dispute between the Aerodrome Officer, Porbandar Air Port, Porbandar and the workmen employed under him, has been referred to this Tribunal by the Govt. of India, Ministry of Labour/Rehabilitation, Department of Labour Order No. L-110112-(5)/84-D. II(B), dated 12-12-1984, read with Corrigendum No. L-110112(5)/84-D. II(B), dated the 2nd March, 1985. The exact terms of reference are as under :—

“Whether the action of the management of the Aerodrome Officer, Civil Aviation Department, Porbandar (Guj.), in terminating the services of Shri Rana Natha Garchar, Ex. Chowkidar without notice or notice pay is justified? If not, to what relief the workman is entitled and from what date?”.

2. The First Party had filed certain preliminary objections (Ex. 9) challenging the jurisdiction of the Tribunal to try and entertain the reference made in this Tribunal. It was inter alia stated that the First Party is not as 'Industry' under the Industrial Disputes Act. It was further stated that the workman concerned in the Reference was not a 'Workman' within the meaning of the term under the Act. The parties were fully heard on the preliminary issues raised by the First Party, and this Tribunal passed an Award Part-I on 22nd November, 1985 rejecting the contentions of the First Party. The matter was then proceeded with on merits.

3. After the passing of the Award Part-I, a statement of claim was filed on behalf of the workman on 25-7-86 (Ex. 12). Alongwith the statement of claim some 2 documents were also filed (listed at Ex. 13). In the statement of claim it has been stated that the workman had joined the services under the First Party on 17-7-81 as a Watchman and that he was removed from service on 22-12-82; that prior to his termination no notice pay or retrenchment compensation was given to him; that he had worked continuously for 240 days; that persons junior to him have been continued in service and a new person has been recruited in his place. It has been pleaded that there has been a

violation of the provisions of Ss. 25 F and H the I.D. Act. It has therefore been urged that the termination is illegal and that the workman should be reinstated with full back wages.

4. After the passing of Award Part-I, the First Party filed its written statement on 26-3-87 (Ex. 21). It has been stated herein that the workman was appointed on a purely temporary basis with effect from 17-7-81 and his services were terminated on 22-12-82. It has urged that the workman was appointed on a short term basis and his services were terminated as per the appointment Order. It has been denied that any junior had been retained at the time of termination of the services of the workman concerned. It has been urged that the termination of the services of the workman concerned is legal and that there is no breach of provisions law; that the workman is not entitled for any relief as claimed in the statement of claim.

5. The workman has given oral evidence before this Tribunal (Ex. 18). In his oral evidence he has stated that he had joined the services under the First Party on 17-7-81; that the post in which he was appointed was a permanent post; that he was removed on 22-12-82 without payment of any notice pay or retrenchment compensation; that at the time of his removal from service the persons junior to him were continued in service namely Shri Bhagat, Tiwari. He has also stated that deductions were made from his salary for contribution towards Provident Fund. He has further stated there was no break in service from the day he joined the services till the date he was removed. He has further stated that he is unemployed after he was removed from service. The First Party has not produced any oral evidence. It is, therefore, clear that the statement made by the workman in the statement of claim and at the time of oral evidence before the Tribunal remain uncontroverted. The workman has put in more than 240 days of service. He has not been given any notice or pay in lieu of notice and retrenchment compensation before he was removed. He has not been removed for any act of his misconduct. In the case of State Bank of India vs. Shri N. Sungara Money (1976-I-LJ 1-478) the Supreme Court has observed :—

“Termination.....for any reason whatsoever” are the key words. Whatever the reason, every termination spells retrenchment. So the sole question is has the employee's service been terminated? Verbal apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master of the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced.... True, the section speaks of retrenchment by the employer and it is urged that some act of violation by the employer to bring about the termination is essential to attract S. 25F and automatic extinguishment of service by efflux of time cannot be sufficient.....Words of multiple import have to be winnowed judicially to suit the social philosophy of the statute. So scanned we hold that the transitive and intransitive senses are covered in the current. Moreover, an employer terminates employment not merely by-passing an order as the service runs. He can do so by writing a composite order, one giving employment and the other ending of limiting it. A separate, subsequent determination is not the sole magnetic pull of the provision. A preemptive provision to terminate is struck by the same vice as the post-appointment termination. Dexterity of diction cannot defeat the articulated conscience of the provision.”

Again in the case of Mohanlal vs. Bharat Electronics Ltd. (1981). LAB. IC p. 806) the Supreme Court has observed :—

“Niceties and semantics apart, termination by the employer of the service of workman for any reason in cases excepted in the section itself. The excepted or excluded cases are where termination is by way

of punishment inflicted by way of disciplinary action, voluntary retirement of the workman, retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, and termination of the stipulation in that behalf, and termination of the service of a workman on the ground of continued ill-health."

Thus the removal of Shri Rana Natha Garchar from service by the 1st Party is a clear case of retrenchment as is evident from the evidence on record.

The First Party has however not followed the mandatory provisions of Section 25F of the I.D. Act, 1947. Therefore, as held by the Supreme Court in the case of State of Bombay vs. Hospital Mazdoor Sabha, 1960 1 LLJ—p. 251, the non-compliance of the mandatory provisions of Section 25F of the I.D. Act, 1947 will make the retrenchment invalid and inoperative. It was tried to urge on behalf of the 1st Party that the workman concerned was appointed on a purely temporary basis and he had no right of permanency etc. In this connection, it may be stated that the Madras High Court in the case of English Electric Co. of India Ltd. Vs. Industrial Tribunal and another, 1987 1-LLJ p. 141) while dealing with the case of termination of casual employees has observed :

"With respect to the learned Judge we may point out that the fact that a casual employee has put in 240 days of service does not automatically entitle him to the status of a permanent employee though it cannot be disputed that in such a case the termination as such of his employment has to be in accordance with the provisions of Section 25F of the Act. Therefore, the question as to whether the services of a casual employee have been terminated and if so whether there is compliance with the provisions of Section 25F of the Act in the case of casual employees who have put in 240 days of service, cannot be clouded by the notion that such an employee has acquired a permanent status."

therefore it is clear that the provisions of S. 25 are attracted even in the case of casual employees. There is no reason why it should not be attracted in case of temporary employees. This counters the pleadings made on behalf of the 1st Party. Thus the removal of the workman from service is retrenchment and since the 1st Party has violated the mandatory provisions of Section 25, the termination is void ab initio. It is also an admitted position that a new person was appointed in the resulting vacancy.

7. Now it is pertinent to point out that in the case in question the 1st Party has not produced any evidence to show that the workman concerned in the reference was gainfully employed during the interim period. The workman in his evidence before the Tribunal has stated that he has been unemployed ever since he was removed from service by the 1st Party. Therefore the issues are answered as follows :

1. The action of the management of Aerodrome Officer, Porbander Air Port, Porbandar in terminating the service of Shri Rana Natha Garchar, Chowkidar is void ab-initio and inoperative.

2. The workman concerned shall be deemed to continue in service with all consequential benefits, namely full back wages and other benefits.

8. I therefore, direct that Shri Rana Natha Garchar should be taken back in service and be paid full back wages and other benefits. The arrears payable to the workman arising as a result of these directions shall be given to him within 3 months of the coming into operation of this Award. The

workman shall also be paid by the 1st Party costs estimated at Rs. 500 (Rupees hundred only).

Ahmedabad, 26th August, 1987.

A. N. RAM, Industrial Tribunal
[No. L-11012/5/84-D.II(B)]

का. अ. 3053.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार, नारदन रेलवे लखनऊ के विरुद्ध धारा 33 ए के तहत उनके कर्मकार श्री रामनिवास सिंह द्वारा निमायित पर के प्रबंधित अनुबंध में निर्दिष्ट में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3053.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur in respect of a complaint u/s. 33A of the said Act filed by Shri Ram Niwas Singh against the management of Northern Railway Lucknow which was received by the Central Government on the 5th October, 1987.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

KANPUR

Industrial Dispute No. 132/86

In the matter of dispute

BETWEEN

Shri Ram Niwas Singh,
C/o Shri B. D. Tewari,
96/196 Roshan Bajaj Lane,
Ganesh Ganj, Lucknow.

AND

1. Union of India,

Through : General Manager,
Northern Railway Baroda House,
New Delhi.

2. Shri N. C. Tripathi,
Asstt. Engineer II,
Northern Railway,
Lucknow.

3. Shri Sankata Prasad Permanent Way Inspector Unnao,
Inquiry Officer.

4. Shri N. L. Dass, P.W.I.N. Rly, Barabanki

APPEARANCE :

Shri B. D. Tewari—for the workman.

Shri : None present.

AWARD : Under Sec : 33-A

1. This is an application U/s 33-A I.D. Act, for awarding punishment to Shri M. C. Tripathi, Asstt. Engineer II, Rly, Lucknow, opposite party No. 2 for violating the provisions of sub-sections (1) and (3) of section 33 I.D. Act, and for setting aside the illegal order withholding applicant's increments for 3 years passed by opposite party No. 2, and for grant of such further reliefs to which the applicant may be found entitled?

2. The applicant's case in brief is that he has been a gangman in gang No. 64, which has its Head Quarter at Dilkusha, Lucknow, under the Administrative control of P.W.I. Barabanki and Asstt. Engineer II, N.R., since 10-7-82 Prior to it he had worked in the Engineering Construction Unit at Lucknow, from 1-9-73. The applicant alleges that he is an office bearer of Uttar Railway Karamchhari Union (hereinafter referred to as URKU) from 1973, onward and hence a protected workman.

3. Shri N. L. Dass, P.W.I. Barabanki, opposite party No. 4 is the Branch President, of Northern Railway Mens Union of Lucknow Division. Due to anti-labour activities of Shri N. L. Dass, P.W.I., URKU addressed a number of complaints against him to DSE (II), DEM and G.M. N Rly Baroda House, New Delhi. Because, of it Shri N. L. Dass, became very much annoyed so much so that he fabricated a case of alleged misbehaviour against the applicant on 6-3-84. As a result of it not only the applicant but also Shri Krishan and Late Shri Ram Mohan were suspended by Shri M. C. Tripathi, Asstt. Engineer (II). However, the order of suspension was lateron revoked. Shri B. D. Tewari the Zonal President of URKU took up the matter with the Central Government, Ministry of Labour, whereupon an industrial dispute giving rise to I.D. Case No. 43/86 was referred to this Tribunal for adjudication. It was in respect of the wages of the suspension period. While I.D. 43/86 was pending disciplinary proceedings were started by Shri M. C. Tripathi, Asstt. Engineer (II), against the applicant and others. Finally during the pendency of the Industrial Dispute Shri M. C. Tripathi Asstt. Engineer (II), imposed a penalty of permanent withholding of increments for 3 years against the applicant in utter disregard of the provisions of sub sections (1) and (3) of Sec. 33 I.D. Act.

4. In this case written statement has been filed only by Shri N. C. Tripathi, Asstt. Engineer (II), opp. party No. 2. It is admitted by him that the applicant has been a gangman working in gang No. 64 which has its head quarter at Dilkusha, Lucknow, under the Administrative Control of P.W.I. N. Ply since 10-7-82. He pleads that a major penalty memorandum was issued on S.F. 5 in March, 1984 against the applicant and the disciplinary enquiry was concluded on 6-2-86, after observing full legal process. He has denied that the applicant is a protected workman under the provisions of I.D. Act. He also denies that there has been any violation of the provisions of sec. 33 I.D. Act. According to him, the case of the applicant is not covered by the provisions of section 33 I.D. Act. Lastly, he has pleaded that whereas I.D. No. 43/86 refers to justification or otherwise of the suspension period is wages, the action taken against the applicant is far an act of indiscipline and misconduct hearing no relationship with that.

5. From the record of I.D. No. 43/86, Shri Ram Niwas Singh versus N. Ply, Administration through D.R.M. N. Rly Lucknow, it appears that the Central Government, Ministry of Labour vide its notification No. L-41011/2/85-D.II(B) dt. 17-2-86, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Superintendent II Northern Railway, Lucknow in respect of four workmen S/Shri Ram Niwas, Sri Ram, Mohan and Sri Krishna even after revocation of their suspension orders is legal and justified? If not, to what relief the workmen are entitled ?

6. From the pleadings of the parties in the said I.D. it appears that the disciplinary proceedings were taken against Shri Ram Niwas Singh, the applicant in the present case and Shri Krishan and Late Sri Ram Mohan in respect of an incident which had taken place in the afternoon of 6-3-84. According to the applicant and his two other colleagues named above Shri N. L. Dass, P.W.I. felt enraged when in replies to his queries these three gangman replied that Shri N. L. Dass, P.W.I. himself had given limit of 3 gangmen going on leave at a time on one single date. Shri N. L. Dass P.W.I. then left the scene of incident threatening that he would get them suspended. On the other hand, the case set up by the Railway Administration in reply was that while Shri N. L. Dass, P.W.I. Barabanki was expressing his dissatisfaction about the quality of work to Shri Maikoo, officiating mate, and was complaining as to how Shri Maikoo had allowed 4 men to proceed on leave when he (Shri N. L. Dass) had given him specific instructions not to allow more than 2 gangmen to proceed on leave on the same date, there appeared applicant Shri Ram Niwas Singh and late Sri Mohan, who not only noked their nose unnecessarily but also used filthy language against Shri N. L. Dass and misbehaved with him. Then from some of the documents filed by the Railway Administration in the present I.D. No. 132/86, which have been admitted by the authorised

representative of the workman Shri Ram Niwas Singh, it appears that the applicant and late Sri Mohan were placed under suspension w.e.f. 14-3-84 by Shri R. B. Gupta, Asstt. Eng. (II), and that subsequently by means of order dated 11-4-84, the said Asstt. Eng. (II) revoked the earlier order of suspension of these two gangmen. These documents are Ext. M-1 and Ext. M-2. Ext. M-3 is the photostat copy of order dated 30-6-86, by means of which the penalty of withholding of increments for 3 years was passed against the applicant by the Asstt. Engineer (II).

7. Points which, therefore, need consideration in this case are :

1. Whether the applicant Shri Ram Niwas Singh is a protected workman within the meaning of Sec. 33 (3) I. D. Act ?
2. Whether the matter in regard to which the Railway Administration took up disciplinary proceeding against Shri Ram Niwas Singh is connected with the dispute referred to this Tribunal for adjudication by the Central Government, Ministry of Labour ?
3. Whether the penalty imposed by Asstt. Engineer (II) on the applicant Sri Ram Niwas Singh on the basis of findings in the disciplinary proceedings amounts to alteration in the condition of service of the applicant prejudicially ?
4. Whether Asstt. Engineer (II) has violated the provisions of sub-section (1) and (3) of section 33 I. D. Act ?

8. Let us consider each of these point seritum ;
Point No. 1

9. In the explanation to sub-section 3 of section 33 I. D. Act, 'protected workmen' has been defined as a workmen who being a member of executive or other office bearer of a registered trade union connected with the establishment, is recognised as such in accordance with the rules made in this behalf. Rule 61 framed under I. D. Act refer to protected workman. It says that every registered trade union shall communicate to the employer before 30th April every year the names and addresses of the officers of the union who in the opinion of the union should be recognised as protected workmen. After such communication the employer shall recognise such workmen to be protected workmen for the purposes of sub-section 3 of section 33 I. D. Act and communicate to the union within 15 days the list of workmen recognised as protected workmen for the period of twelve months from the date of such communication. This rule further says that where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen admissible for the establishment under sec. 33(4), the employer shall recognise as protected workmen only such maximum number of workmen and where there are more than one registered trade unions, the maximum number shall be so distributed by the employer amongst the unions that the number of recognised protected workmen to individual union bear roughly the same proportion to one another as the membership figures of the unions.

10. In the instant case with his application under section 33-A I. D. Act, the applicant has filed a photo copy of the list of protected workmen alongwith the photo copy of letter dated 9-2-85 from URKU to the General Manager Northern Railway, Baroda House, New Delhi. I am to state here that this fact that the applicant is a protected workman has to be strictly proved by him as a fact. In this case no evidence has been given by the applicant to prove the above letter and the list of protected workmen in which the name of the applicant finds mention at Serial No. 12. Rather from the order sheet dated 16-2-87, it appears that on behalf of the applicant it was stated by his authorised representative before my learned predecessor that no oral evidence was to be given by him (applicant). Consequently, my learned predecessor fixed the date for argument. Even if it be taken that such a communication was addressed by the General Secretary of URKU to the General Manager, there is nothing from the side of the workmen to show that the General Manager has informed the General Secretary that all the persons whose names appears in the list of protected workmen have

been recognised as protected workmen by the Railway Administration. It is common ground that there are more than one unions of the employees of the Railway Establishment in the Northern Railway.

11. Hence, I hold that the workman has failed to prove that he is a protected workman within the meaning of explanation to sub-section (3) of Section 33 I.D. Act. Point No. 1 is decided accordingly.

Point No. 2

12. From the facts of this case it is abundantly clear that as a result of alleged misbehaviour applicant Shri Ram Niwas Singh and his colleague late Shri Mohan were suspended by Asst. Engineer, II on 14-3-84, and that subsequently the said Engineer revoked the order of suspension on 11-4-84. The earlier reference giving rise to I. D. No. 43/86 is with regard to payment of wages of the suspension period. From the undisputed facts of the present case it appears that Asst. Engineer (II) impose upon the applicant the penalty of withholding his 3 increments. Whereas according to the contesting opposite party No. 2 matters are unrelated, according to Shri B. D. Tewari, authorised representative of applicant, the two matters are connected to each other.

13. After hearing the two sides, I am of the view, that it is difficult to agree with the contention of the opposite party that the two matters are different and unrelated. In my considered view the two matters are connected with each other. The suspension order is directly linked with the alleged incident of 6-3-84. The applicant and his colleague are demanding payment of suspension period because of revocation of order of the suspension subsequently. The disciplinary proceedings have also been held in respect of an incident dated 6-3-84. Hence, I hold that the matter in regard to which the Railway administration took disciplinary proceeding against Shri Ram Niwas Singh is connected with the dispute referred to this Tribunal for adjudication giving rise to I. D. No. 43/86. The point No. 2 is decided accordingly.

Point No. 3

14. This is a simple matter. By imposing the penalty in question the railway administration has definitely altered to the prejudice of the applicant the condition of service applicable to him. In the absence of such a penalty the applicant would have earned increments in his salary in a routine manner till the stage of efficiency bar or further promotion. The point is decided accordingly.

Point No. 4

15. In view of my findings on point No. 1, the present case does not fall within the ambit of section 33(3) I. D. Act. Let us, therefore, whether or not it comes u/s 33(1) of the Act. It lays down that during the pendency of any proceeding before a labour court, or Tribunal no employer shall in regard to any matter connected with the dispute, alter to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding or for any misconduct connected with the dispute save with the express permission in writing of the authority before which the proceeding is pending. I have referred to only such portion of sec. 33(1) as is relevant for the purpose of this case.

16. The reference giving rise to I. D. No. 43/86, was made by Central Government, Ministry of Labour, on 17-2-86 as is evident from the order of reference on the file of I. D. No. 43/86. I have already referred to Ext. M-3, which refer to the order of punishment dated 30-6-86. Even in his cross examination Shri M. L. Bajpai, witness for the railway administration has admitted that I. D. No. 43/86, was pending from 17-2-86 and that the workman was given punishment on 30-6-86. It, therefore, follows that at the time of awarding punishment I. D. No. 43/86 was pending. There is nothing from the side of the Railway Administration to show that prior to the passing of order of punishment permission in writing of this Tribunal was obtained by it. Thus the punishing authority violated the provisions of section 33(1) of the Act.

17. Hence, it is held that the Assistant Engineer (II) violated the provisions of section 33(1) of I. D. Act, while

awarding punishment to Shri Ram Niwas Singh, applicant. The point is decided accordingly.

18. In view of the findings given on above points the order of punishment dated 30-6-86, by means of which 3 increments of the applicant were withheld cannot be upheld. Hence, the order of punishment is set aside and the applicant Shri Ram Niwas Singh is held entitled to his wages which he would have got but for the said order of punishment. However, the Railway Administration shall be at liberty to take up proceedings for awarding punishment to the workman afresh in accordance with law from the stage of findings arrived at in the departmental enquiry.

19. Award is made accordingly.

Let six copies of this award be sent to the Government for its publication.

Dated : 21-9-1987.

ARJAN DEV, Presiding Officer

[No. L-13011/2/87-D.II (B)]

का. भा. 3054:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एमरल मैनेजर, वेस्टर्न रेलवे वर्कर्स के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण ग्रहणवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3054.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Western Railway, Bombay and their workmen which was received by the Central Government on the 6th October, 1987.

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

Reference (ITC) No. 1 of 1984
Adjudication

BETWEEN

The General Manager, Western Railway, Bombay.

AND

The workmen employed under it.

In the matter of Shri Anwar Ali's grievance against the Railway Administration for not calling him in Trade Test.

AWARD

This industrial dispute between the General Manager, Western Railway, Bombay and the workmen employed under it has been referred to me for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour & Rehabilitation's Order No. L-41012(7)/83-D.II(B) dated Nil December, 1983.

2. The dispute relates to a single demand of the workmen which is as under :—

"Whether the action of the Railway Administration in not calling Shri Anwar Ali, Helper under CSI, Ajmer, to appear in Trade Test envisages vide Divisional Railway Manager's W. Railway Aimer letter No. M/Sig. 1130/6 Part X dated 19th December, 1980 is justified? If not, to what relief the workman is entitled?"

3. Shri T. R. Mishra and Shri V. V. Saxena, Joint Secretary of Pashchim Railway Karamchhari Parishad are present

and inform that there are no instructions from the workman concerned. He is not even available. Therefore, this case be disposed off. The reference is, therefore, dismissed for want of prosecution. No order as to costs.

Ahmedabad,

Dated 19th August, 1987.

G. S. BAROT, Presiding Officer

[No. L-41012/7/83-D.II(B)]

का. आ. 3055:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, जनरल मैनेजर टेलीकम्युनिकेशन सखनउ के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28 सितम्बर 1988 को प्राप्त हुआ था।

S.O. 3055.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Telecommunication, Lucknow and their workmen, which was received by the Central Government on the 28th September, 1987.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 139 of 1986

Reference No. 40012/31/85-D.II(B) dt. 16-12-86
In the matter of dispute

BETWEEN

Shri R. S. Yadav,
Member Central Working Committee,
All India Telegraph Engineering Employees Union,
Class III, Hata 34, Puttural,
Maulviganj, Lucknow.

AND

The General Manager,
Indian Telecommunications Department,
U.P. Circle,
Hazaratganj,
Lucknow.

APPEARANCE :

None from either side.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-40012/31/85-D.II(B), dated 16th December, 1986, has referred the following dispute for adjudication to this Tribunal:

Whether the action of General Manager Telecommunication, Lucknow, U.P. Circle in imposing the penalty of break in his service for 1st March, 1984, on Shri Surender Tyagi, Telephone Operator is legal and justified? If not, to what relief he is entitled to?

2. In this case after receipt of reference notice was issued to Shri Surender Tyagi workman fixing 16th January, 1987 for filing of claim statement. Shri Surender Tyagi did not turn up on 16th January, 1987, despite issue of notice. Thereafter, as it appears from the order sheet notices were ordered to be issued to the parties from time to time, but no notices were actually issued to them by the office. The case came up for hearing before me for the first time on 12th August, 1987. After examining the record I ordered fresh issue of notice to the parties fixing 10th September, 1987 for filing the claim

statement complete with documents, list of reliance and witnesses at camp Lucknow. On 10th September, 1987, also the workman was found absent. It, therefore, appears that the workman is least interested in prosecuting his claim. Accordingly a no claim award is given in this case.

3. Award is made accordingly.

Let six copies of this award be sent to the Government for its publication.

ARJAN DEV, Presiding Officer

[No. L-40012/31/85-D.II(B)]

का. आ. 3056:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल वयरहाउसिंग कॉर्पोरेशन के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3056.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Warehousing Corporation and their workmen, which was received by the Central Government on the 5th October, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 32/87

In the matter of dispute

BETWEEN

Workman

Versus

Central Ware Housing Corporation, New Delhi

APPEARANCES :

None—for the workman.

Shri J. P. Yadav—for the Management.

AWARD

Central Government in the Ministry of Labour vide its notification No. 36(14)/86-Con. I/D. II(B) dated 29th April, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether there exists employer-employee relationship between the management of Central Ware Housing Corporation New Delhi and the 37 workers (list enclosed). If so, whether the demand of General Secretary, Universal Proutist Labour Federation for reinstatement of these workers by the management of C.W.C. Site No. 2, Sahibabad, is justified? If yes, to what relief these workmen are entitled to and from what date?"

2. In the reference order itself the party raising the dispute had been directed to file a statement of claim complete with relevant documents, list of reliance and witnesses within 15 days of the receipt of order of reference and also to forward copy of such statement to each one of the opposite parties involved in the dispute. However, no such statement of claim etc. was filed in this Tribunal within the stipulated date. This Tribunal also sent a registered notice to the General Secretary U.P.L.F. at the address given in the order of reference but the registered cover was received back unserved with the report that the addressee had left from the place of address. Under the circumstances no dispute award is given and the reference is disposed off for non-prosecution.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action.

1st September, 1987.

G. S. KALRA, Presiding Officer
[No. I-36/14/86-Con. I/D. II(B)]

नई दिल्ली, 16 अक्टूबर, 1987

का. प्रा. 3057:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सफदरजंग हस्पताल के प्रबंधन से सम्बद्ध निरोधों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 16th October, 1987

S.O. 3057.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publish the following award of the Central Government Industrial Tribunal New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Safdarjang Hospital and their workmen, which was received by the Central Government on the 5th October, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 39/86 and 64/86

In the matter of dispute between :

Shri Raje Singh represented by
Hospital Employees Union, Aggarwal Bhawan,
G.T. Road, Tis Hazari, Delhi.

Versus

The Medical Superintendent,
Safdarjang Hospital, New Delhi.

APPEARANCES :

Shri C. P. Aggarwal—for the workman.

Shri Narinder Chaudhary—for the Management.

AWARD

This order shall dispose of two industrial disputes bearing Nos. 39/86 and 64/86 between the same parties as they are inter-connected.

2. The Central Government, in the Ministry of Labour vide its Notification No. L-42012(15)/85-D.II (B) dated 3rd March, 1986 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the demand of the Hospital Employees Union for grant of promotion to Shri Raje Singh, Hospital Attendant to the post of Havaldar is justified? If yes, to what relief the workman is entitled to?"

3. Some of the uncontroverted facts are that Shri Raje Singh workman was employed in the Safdarjang Hospital as a bearer w.e.t. 22-12-1950 and was made Nursing Orderly w.e.t. 1-4-1955. The workman filed an application under section 33-C(2) of the I. D. Act being LCA No. 339/78 claiming the wages of Havaldar on the ground that he had actually worked as a Havaldar for the period from 1-4-60 to 30-9-78. The management bitterly contested the said application and raised a number of legal objections including the objection that the Safdarjang Hospital is not an 'Industry'. My Predecessor Shri O. P. Singla vide his order dated 16-4-1984 held that Safdarjang Hospital is an 'Industry' by placing reliance on the authority Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others etc. 1978 (11) Lab. I.C. Supreme Court 467. It was also held as proved

that the workman had actually worked as a Havaldar for the period under claim from 1-4-1960 to 30-9-78 and the claim of the workman was computed at Rs. 29,000. The said order has not been challenged in any higher forum and has become final and the Management has in fact made payment of the computed amount to the workman. The workman filed another application under section 33-C(2) of the I. D. Act being LCA No. 141/84 for computation of his wages as Havaldar for the period from 1-1-80 to 25-7-1984. The claim of the workman has been computed at Rs. 17,000 by a separate order of even date. In the meantime the workman raised an industrial dispute before the Assistant Labour Commissioner (Central) and Conciliation Officer (Central) New Delhi for which demand notice dated 30-7-84 (Ex. D-2) was sent to the Management and the claim statement dated 21-8-84 (Ex. D-5) was filed before the A.L.C. (C). The Management was further sent notice by the ALC on 20-10-83 (Ex. D-6) and on 20-11-84 (Ex. D-7) and the Management also filed its reply (D-8). Thereafter the Management passed the order dated 4-12-84 (Ex. D-12) to the effect that Shri Raje Singh, Nursing Attendant (Selection Grade) Ward No. 156 is posted to Ward No. 13 with immediate effect." The workman then filed a complaint under section 33-A of the I. D. Act (D-13) before the ALC (C) alleging that the order dated 4-12-84 of the Management amounted to change in his service conditions during the pendency of the Industrial Dispute. The ALC sent notice dated 1-2-85 of the complaint (D-14) to the Management and at the same time requested the Management to maintain status quo. The workman did not comply with the order dated 4-12-84 and did not report as Nursing Attendant in Ward No. 13. Ultimately the ALC (C) cum Conciliation Officer (Central) sent a failure report to the Government and the Government made the reference order reproduced above.

4. The workman also filed a complaint under section 33-A of the I. D. Act before this Tribunal. On 13-8-86 which has been registered as I. D. 64/86. Besides some of the facts as have been mentioned above, the workman alleged that the impugned order No. 2034 dated 4-12-84 issued by the Management amounts to change in service conditions and victimisation and was violative of section 9-A of the I. D. Act. The duties, pay and conditions of service of the post of Havaldar and that of Nursing Attendant are quite different but the Management has not issued any notice as required under section 9-A of the Act. Moreover the order was punitive in nature and was made to victimise the workman for successfully contesting his case before the Labour Court. The Management had also issued a charge sheet dated 1-5-86 alleging that the workman had been absenting from his duty since 5-2-83 unauthorisedly which act constituted lack of devotion to duty and thereby there was a contravention of Rule 3(1) of the CCS (Conduct) Rules 1964. The order has been challenged as wholly illegal unjust and mala-fide besides being punitive, for the reasons that the workman was not afforded any opportunity of being heard, that no memo or charge sheet was issued nor any disciplinary proceedings were initiated; that the order has been passed during the pendency of the proceedings without making any application for permission to change the service conditions of the workman nor was any such permission granted by the ALC (C) where the conciliation proceedings were pending; that the Management has violated the directions contained in the letter dated 1-2-85 of ALC (C). It has, therefore, been prayed that the order dated 4-12-84 may be set aside and the workman reinstated on the job he was doing prior to 4-12-84 i.e. Havaldar with full back wages and continuity of service and consequential benefits.

5. The case of the Management in both the disputes is that the workman was never appointed as a Havaldar and he rose of Havaldar was never given to the workman as a matter of right and that the post of Havaldar was never created and consequently the workman cannot be appointed to a non-existing post. Moreover, the workman did not fulfil the qualifications required for the post of Havaldar. In as much as the minimum educational qualifications for the post is Matriculation whereas the workman is a non-matriculate. It has further been stated that the workman has not been removed from the job of Havaldar as he was never appointed as a Havaldar and he has only been transferred to Ward No. 13 as a Nursing Attendant which the post he was holding.

6. First of all, we may take up the question as to whether the order of the Management No. 2034 dated 4-12-84 posting

the workman as Nursing Attendant in Ward No. 13 amounts to change in service conditions during the pendency of an industrial dispute and thereby attracting the provisions of section 33/33-A of the I. D. Act. As held by my predecessor Shri O. P. Singla vide order dated 16-3-84 in LCA No. 339/78 and by myself vide order of even date in LCA No. 141/84, the workman has been continuously working as a Havaldar for the period from 1-4-1960 to 25-7-84 and his claim for wages as Havaldar for the entire period has been computed. The order of Shri O. P. Singla has not been challenged and has in fact been implemented by the Management. Therefore, the finding that the workman had actually worked as a Havaldar for the period from 1-4-60 to 30-9-78 has become final. MW-1 Shri P. S. Srinivasan, Chief Administrative Officer of the Safdarjung Hospital stated that the order No. 2034 dated 4-12-84 issued by him but he did not know in which department and on what post the workman was working on 3-12-84. He also did not know whether any order similar to the order dated 4-12-84 was ever issued earlier. In view of this vague reply it can safely be inferred that no such order was ever issued before 4-12-84. The workman has also placed on record a number of duty rosters of Havaldars for the periods between 1967 and 1979 wherein he has been put on duty as Havaldar. On the basis of the facts and circumstances brought on record it can safely be held that the workman was performing the duties of Havaldar till 4-12-84 when the impugned order was passed by the Management. The documents Ex. D-2, D-3, D-4, D-5, D-6, D-7 and D-8 clearly go to prove that the workman had raised an Industrial Dispute and the same was pending before the A.L.C. (C) Conciliation Officer (C) prior to the passing of the impugned order. The Industrial Dispute raised by the workman was for his permanent absorption as Havaldar on the basis of his performance of the duties of a Havaldar for a long period and the same is also reflected in the order of reference made by the Central Government. Therefore, it becomes manifest that the impugned order dated 4-12-84 which now required the workman to perform the duties of a Nursing Attendant, a post lower in rank, whereas he had been performing the duties of a Havaldar for the last about 24 years, clearly was punitive in nature and amounted to change in service conditions of the workman. It appears that even the request of the ALC (C) to maintain status quo till the Industrial Dispute raised by the workman also had no effect on the Management and the workman was not allowed to continue as a Havaldar. The workman was within his right not to join duty as a Nursing Attendant. The impugned order dated 4-12-84 i.e., therefore, held to be illegal and is hereby quashed and it is directed that the workman be reinstated as a Havaldar and paid the salary and allowances of the Havaldar for the intermittent period. If any authority is required on this point, reliance may be placed on *Manchalah Vs. Director of Medical Education 1984* (1) All India Service Law Journal 128 Karnataka High Court wherein it was held as under :

"Transfer-Petitioner transferred from one directorate to another-Petitioner did not join there but challenged by filing writ—Transfer order quashed—Whether he has right to salary and allowances of the Intermittent period—(Yes).

Held that if the transfer order had been upheld the petitioner had to suffer but not when the order had been set aside *S.B. Surappa V. State of Mysore, (1966) 2 Mys LJ. 372* followed."

(ii) *Shaw Wallace and Co. Versus Central Government Industrial Tribunal 1970 Lab. and I.C. 94 M.P. (Para 12)*

"The adjudication of the Industrial Tribunal is that the transfer of the workman was itself illegal since it resulted in a change of service condition to his disadvantage. We agree with the Industrial Tribunal that in the circumstances his refusal to work in a inferior post was fully justified and therefore his absence from duty was not such absence as was contemplated by the terms of Cl.19 of the Standing Orders to bring out a termination of his services."

7. As already observed, the workman had been performing the duties of Havaldar right from 1-1-1960 onwards. As that time when he was initially assigned duties of Havaldar, the workman did not fulfil the minimum qualification of

Manipulation but in spite of that the Management assigned him the duties of Havaldar and, therefore, it has to be presumed that it had relaxed the qualifications in respect of the workman. Not only that the workman was allowed to continue to work as a Havaldar for nearly 24 years and it has to be further presumed that the workman had been performing the duties of Havaldar satisfactorily in spite of the fact that he did not fulfil the minimum qualifications. Although the workman had not been appointed formally against any vacancy of Havaldar, yet the fact that he was continued as a Havaldar for nearly 24 years gives rise to the further presumption that there was sufficient justification for the vacancy of Havaldar as otherwise there was no reason to assign the duties of Havaldar to him. It is now too late in the day for the Management to contend that the workman does not fulfil the qualifications of the post of Havaldar or that there was no vacancy for the workman to post him as a Havaldar. If any authority is required reliance may be placed on 1987 (2) All India Service Law Journal 174 Central Administrative Tribunal (Cuttack Bench), wherein it was held as under :

"Reversion and 18 months rules—Applicant promoted ad hoc and then further promoted to class III post—Worked for several years in higher posts and then reverted without giving any hearing—Challenges—he cannot be reverted after 18 months without following D.A.R. procedures—Held the contention was correct—Reversion set aside."

(ii) *Lajwanti Bhatnagar Vs. M.C.D. 1977 Rajdhani Law Reporter Note 70 Delhi High Court* wherein it was held as under :

"Delhi Education Code A teacher who is promoted to the post of Head Mistress and is then confirmed cannot be told after a number of years that she was not entitled to promotion."

Petitioner joined MCD as a teacher in 1932. After gradual promotion she became a Head Mistress of a Middle School in 1960 and was confirmed in 1964. In July, 1970, she was transferred to Delhi Administration. MCD gave her notice dated 17-12-71, that she was wrongly appointed Head Mistress before 15-3-71 and could not draw salary as such from before that day. After representation she was told that she acquired necessary qualifications from 15-3-97 and was entitled to said salary from that date. Her seniority was lowered from 25 to 186. Petitioner moved High Court. Respdt. answered that the order had been revoked. Petitioner pursued the writ. At the hearing none appeared for M.C.D.

It was held that since petitioner had been confirmed in 1964, any possibility of changing the terms of her service came to an end. A person is not paid because of work done in a job. MCD (employer) could not tell the employee after a number of years that she did not have the qualification for doing the work, which had actually been done by her. The impugned order is wholly illegal. Though petitioner has retired during the pendency of writ, she should be given the benefits to which she is entitled ?"

8. In view of the discussion made above, it is held that the demand of the Hospital Employees Union for grant of promotion to Shri Raje Singh to the post of Havaldar is fully justified and it is directed that the post of Havaldar may be created with retrospective effect from 1-1-1960 and the workman shall be appointed as a Havaldar and extended all the consequential benefits of the post of Havaldar from that date.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated : 18th September, 1987.

G. S. KALRA, Presiding Officer

[No. L-42012/15/85-D.II (B)]

का. भा. 3058:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बिबिजन रेलवे मीनेजर भावनगर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधि-करण, भद्रमदावाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3058.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Division Railway Manager, Bhavnagar and their workman, which was received by the Central Government on the 7th October, 1987.

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD.

Reference (ITC) No. 12 of 1981.

ADJUDICATION

BETWEEN

The Divisional Railway Manager, Bhavnagar.

AND

The workman employed under it.

(Through : Pashchim Railway Karmachari Parishad, Bhavnagar.)

In the matter of transfer of Shri Sidiq Allarakha, Lightman from Dhandhuka to Botad.

AWARD

This industrial dispute between the Divisional Railway Manager, Bhavnagar and the workman employed under it has been referred to me for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour's Order No. L-41011/15/79-D. II.B, dated 8th July, 1981.

2. The dispute relates to a single demand of the workmen which is as under :—

"Whether the action of the Divisional Railway Manager, Western Railway Bhavnagar Para in transferring Shri Sidiq Allarakha, Lightman from Dhandhuka to Botad vide his Order No. E/36/79 dated the 29th January, 1979, is legal and justified? If not, to what relief is the workman entitled?"

3. It appears that soon after the reference was received, usual notices were issued to the parties fixing the matter for evidence. However, the Rojnama shows that although the matter used to be adjourned from time to time in order to give sufficient opportunity to the workman to lead his evidence in the matter, he has never remained present before the Tribunal. I see from the record that several notices have been duly served on the workman concerned. And yet, he has not cared either to remain present or even to send a communication explaining his absence. It is clear from the record that this matter has been pending before this Tribunal from July, 1981 and more than six years have elapsed during which notices used to be issued to the workman concerned. No useful purpose would be served by keeping this matter pending any further in as much as it is very clear that the workman concerned is not interested in this case. Under these circumstances, it has been decided to hear and dispose of the matter ex-parte.

4. I, therefore, reject the demand and dismiss the reference for want of prosecution. No order as to costs.

Ahmedabad.

Dated : 19th August, 1987.

G. S. BAROT, Presiding Officer
[No. L-41011/15/79-D. II(B)]

का. भा. 3059:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एरोड्रोम अधिकारी भावनगर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधि-करण भद्रमदावाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3059.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Aerodrome Officer, Bhavnagar and their workmen, which was received by the Central Government on the 6th October, 1987.

BEFORE SHRI A. N. RAM, INDUSTRIAL TRIBUNAL,
AHMEDABAD.

Ref. (ITC) No. 4 of 85.

ADJUDICATION

BETWEEN

Aerodrome Officer, Civil Aviation, Bhavnagar Air Port.

AND

The Workmen employed under him.

In the matter of the workmen's demand regarding termination of services of one Shri Makabhai Dabhi.

APPEARANCES :

Shri R. A. Patel and Shri Z. K. Saiyed Govt. Pleaders,
City Civil Court, Ahmedabad for the First party.
Shri Gangadhar Raval, Advocate for the workmen.

AWARD—Part II (Final)

This dispute between the Aerodrome Officer, Civil Aviation, Bhavnagar, Air Port and the workmen employed under him has been referred to this Tribunal by the Govt. of India, No. 11012(1)/84-D.II(B), dt. 2-3-85. The dispute pertains to No. 11012(1)/84-D. II, dt. 12-12-1984 read with Corrigendum No. 11012(1)/84-D.II(B), dt. 2-3-85. The dispute pertains to the termination of the services of one Shri Makabhai Dabhi. The exact terms of reference are as under :—

"Whether the action of the management of Aerodrome Officer, Civil Aviation, Bhavnagar, Air Port, in terminating the services of Shri Makabhai Dabhi, casual labour is justified? If not, to what relief the concerned workman is entitled?"

2. On behalf of the workmen, the statement of claim was filed on 4-10-85 (Ex. 9). The First Party had raised certain preliminary objections challenging the jurisdiction of this Tribunal to try and entertain the reference made in this Tribunal. It was inter alia stated that the first party is not an industry and workman concerned in the reference was not a 'Workman' within the meaning of the term under the I.D. Act. The parties were fully heard on the preliminary issues raised by the First Party and this Tribunal passed an Award Part-I on 22nd November, 1985 rejecting the contentions of the First Party. The matter was then proceeded with on merits.

2. In the statement of claim (Ex. 9) it has been stated that the workman had joined the services under the First Party on 1-8-81 as a chowkidar; that he was removed from service on 1-10-82; that there was no misconduct on his part; that no notice pay or retrenchment compensation has been given; that after he was removed from service juniors have been continued and fresh persons have also been recruited; that there has been a violation of the provisions of Section 25F, G, H of the I.D. Act, 1947. It has, therefore, been urged that the termination is illegal and that the workman should be reinstated with full back wages.

4. After the passing of the Award Part-I on 22-11-85, the First Party had filed its written statement on the merits of the case on 27-3-86 (Ex. 10). It has been stated inter alia that the workman was initially appointed temporarily as a daily-wages chowkidar; that the post of Class-I, II, III and IV and daily wages employees are sanctioned by the Govt. of India and provisions for the pay and allowance are made in the budget of the Union of India, that the sanction for daily-wages chowkidar was upto 30-9-82 and the services of the workman concerned were terminated by giving one month's notice; that therefore, the termination is legal and proper. It has further been stated that in November, 1982 the Government had sanctioned the post of daily wages chowkidar; that fresh candidates were called for from the Employment Exchange and it has been urged that the termination of the services of the workman concerned is legal and that there is no breach of any of the provisions of law; that the workman is not entitled to any relief as claimed in the statement of claim.

5. On behalf of the Second Party some four documents were brought on record. (Listed at Ex. 12). The workman concerned has given oral evidence before this Tribunal (Ex. 13). On behalf of the First Party one Shri M. S. Ananthakrishnan a Sr. Aerodrome Officer has given oral evidence (E. 20).

6. I have heard the parties fully and I have also gone through the evidence brought on record. The workman in his evidence has stated that he had joined the services of the First Party on 1-8-81 and that he was removed from service on 1-10-82; that he had worked for all the 30 days in the month; that he has not been given any retrenchment compensations, that new persons have been recruited after he was removed from service. (S/Shri Natubhai Gohil, Chimanbhai Bhagwan and Dukhiram). In his cross-examination he has admitted that he was given one month's prior notice.

7. Shri Ananthakrishnan who has deposed before this Tribunal on behalf of the First Party has stated that workman was appointed on daily wages by an Order of 4-9-81; that his services were terminated after giving notice of one month; that the appointment was on a purely temporary basis. In his cross-examination Shri Ananthakrishnan has admitted that no retrenchment compensation was given. He has also admitted that of Shri M. B. Waghele and Shri N. G. Gohil were appointed on the same post through the Employment Exchange; that the old workman were not informed about the recruitment.

8. A certificate issued by the Aerodrome Officer, Bhavnagar to the workman is on record at Ex. 16. It has been stated therein that Shri Makabhai Dabhi has worked as a chowkidar on daily wages at Civil Aerodrome, Bhavnagar from 1-8-81 to 30-9-82. The workman in his evidence has stated that he had worked on all the 30 days of the month. This fact has not been countered by the First Party. Shri Gangadhar Raval appearing for the workman has pleaded that the workman has put in continuous service for more than one year and his services have been terminated in violation of the provisions of Section 25F of the I.D. Act. He has also stated that fresh persons were recruited after the workman is removed from service. The claim made on behalf of the workman that he has put more than one year of continuous service must be accepted. There is no contradictory evidence brought forth by the First Party. Ex. 15 which is the letter of termination shows that his services have been terminated with effect from 1-10-82. There is absolutely no evidence to show that he has been punished for any misconduct. The termination Order does not cause any stigma on the workman. In the case of State Bank of India Vs. Shri N. Sundara Money (1975 1 LLJ-478) the Supreme Court has observed :—

"Termination.....for any reason whatsoever" are the key words. Whatever the reason, every termination spells retrenchment. So the sole question is—has the employee's service been terminated? verbal apparel apart, the substance is decisive. A termination takes place where a term expires either

by the active step of the master of the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive de-munition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced. True, the section speaks of retrenchment by the employer and it is urged that some act of violation by the employer to bring about the termination is essential to attract S. 25F and automatic extinguishment of service by efflux of time cannot be sufficient..... words of multiple import have to be winnowed judiciously to suit the social philosophy of the statute. So scanned we hold that the transuives and intangible senses are covered in the current context. Moreover, an employer terminates employment not merely by-passing an order as the service runs. He can do so by writing a composite order, one giving employment and the other ending or limiting it. A separate subsequent determination is not the sole magnetic pull of the provision. A pre-emptive provision to terminate is struck by the same vice as the post-appointment termination. Dexterity of dectum cannot defeat the articulated conscience of the provision.

Again in the case of Mohanlal vs. Bharat Electronics Ltd. (1981 Lab. IC p. 806) the Supreme Court has observed :—

"Niceties and Semantics apart, termination by the employer of the service of workman for any reason whatsoever would constitute retrenchment except in cases expected in the section itself. The excepted or excluded cases are where termination is by way of punishment inflicted by way of disciplinary action, voluntary retirement of the workman, retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, and termination of the service of a workman on the ground of continued ill-health".

Applying the ratio of the decisions quoted above, the removal of Shri Makabhai Dabhi from the services of the First Party is a clear case of retrenchment as is evident from the evidence brought on record. The First Party has however not followed the mandatory provisions of Section 25F of the I.D. Act, 1947. Therefore, as held by the Supreme Court in the case of State of Bombay vs. Hospital Mazdoor Sabha, 1960 1 LLJ—p. 251, the non-compliance of the mandatory provisions of Section 25F of the I.D. Act, 1947, will make the retrenchment invalid and inoperative. It was tried to urge on behalf of the 1st Party that the workman concerned was appointed on a purely temporary basis and he had no right of permanency etc. In this connection, it may be stated that the Madras High Court in the case of English Electric Co. of India Ltd. vs. Industrial Tribunal and another (1987 1 LLJ p. 141) while dealing with the case of termination of casual employees has observed :—

"With respect to the learned Judge we may point out that the fact that a casual employee has put in 240 days of service does not automatically entitle him to the status of a permanent employee though the services of a casual employee have been terminated as such of his employment has to be in accordance with the provisions of Section 25-F of the Act. Therefore, the question as to whether the services of a casual employee have been terminated and if so whether there is compliance with the provisions of Section 25-F of the Act in the case of casual employees who have put in 240 days service, cannot be clouded by the notion that such an employee has acquired a permanent status."

Therefore it is clear that the provisions of Section 25 are attracted even in the case of casual employees. There is no reason why it should not be attracted in case of temporary employees. This counters the pleadings made on behalf of the 1st Party. Thus the removal of the workman from service is retrenchment and since the First Party has violated the mandatory provisions of Section 25, the termination

is void ab-initio. It is also an admitted position that a new person was appointed in the resulting vacancy.

Now it is pertinent to point out that in the case in question the First Party has not produced any evidence to show that the workman concerned in the reference was gainfully employed during the interim period. The workman in his evidence before the Tribunal has stated that he has been unemployed ever since he was removed from service by the First Party. Therefore the issues are answered as follows :

1. The action of the management of Aerodrome Officer Civil Aviation, Bhavnagar Air Port in terminating the services of Shri Makabhai Dabhi is void ab-initio and inoperative.
2. The workman concerned shall be deemed to continue in service with all consequential benefits, namely, full back wages and other benefits.

I, therefore, direct that Shri Makabhai Dabhi should be taken back in service and be paid full back wages and other benefits. The arrears payable to the workman arising as a result of these directions shall be given to him within 3 months of the coming into operation of this Award. The workman shall also be paid by the First Party costs estimated at Rs. 500/- Rupees five hundred only).

Ahmedabad, 26th August, 1987.

S/d-G. J. DAVE, Secretary,

Ahmedabad, 26th August, 1987.

A. N. RAM, Industrial Tribunal
[No. L-11012/1/84-D.II(B)]

का. मा. 3060.—औद्योगिक विवाद अधिनियम, 1948 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल सिल्क बोर्ड के प्रबंधकों से सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 6 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3060.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on the 6th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, CUM-LABOUR COURT,
BANGALORE-560009.

Dated : 9th September, 1987

Sri. B. N. Lalge B.A. (Hon.) LL-B.—Presiding Officer—
Central Reference No. 45/87
Old Central Reference No. 8/86

FIRST PARTY.

President,
Staff Union, Subedar Chatram Road,
Bangalore-560009.

Central Silk Board Drivers & V/s.,

Director,
Central Silk Board,
United Mansions, 2nd Floor,
39, Mahatma Gandhi Road,
Bangalore-560001.

SECOND PARTY

APPEARANCES :

For the I Party—Sri B. N. Vijay Kumar, President.
For the II Party—Sri Shivaraja Patil, Advocate.

AWARD

The Government of India by its order No. L-42011/5/85-D. II(B) dated 24-3-1986 made the present reference on the following points of dispute.

POINTS OF DISPUTE

“Whether the management of Central Silk Board Bangalore is justified in not regularising the services of 66 (list enclosed) field-cum-laboratory assistants who have been working for more than 4 to 7 years as temporary employees? If not, to what relief the workmen are entitled?”

2. The first party has filed a memo submitting that regularisation may be made with effect from to-day. It has however put certain conditions.

3. In the memorandums of settlement as filed by the first party union, it has been stated that the said condition may be waived for the reason that, many of the candidates belong to Schedule Castes and Scheduled Tribes and that they have already put in service of 7 to 10 years.

4. Taking into account the facts that they have put in service of 7 to 10 years and that many of them belong to S. C. and S. T., I find that an award should be passed as per the memo filed by the second party but without the part of the clause 1, which states as follows :

“subject to the condition filed-cum-laboratory assistants”.

5. In the memorandum filed by the first party it has been stated that the Central Silk Board had passed a resolution that the services of these workmen may be regularised with effect from October 1983 and that an award may be passed to that effect.

6. The Learned Counsel for the second party submits that since the said resolution required the approval of Ministry of Textile and Ministry of Finance, it was sent to them, but they have stated that it is not possible to regularise, the same with effect from October 1983 and that however the matter was referred to Ministry of Labour also. It is further submitted by the second party that the Ministry of Labour has stated that since the matter is pending before this Tribunal, The request of the workmen cannot be granted.

7. In order to grant the relief of regularisation with effect from any date prior to today, the Court shall have to issue notices to the parties who are likely to be affected and then add them as parties if permissible give them an opportunity of being heard and such a relief can be granted only on merits. Neither the management nor the workmen are prepared to wait until hundreds of workmen are served with notices and to under go such a procedure and adjudication on merits.

8. Under the circumstances, I find that it is in the interest of the workmen and in the interest of Industrial peace and also national production, that an award should be passed as shown above, without the clause which starts as “subject to the condition “

9. In the result a consent award is hereby passed in terms of the memo filed by the second party but without the clause which starts as “subject to the condition “ in para 1. The said memo in the Modified form as shown below shall form part of the award.

MEMO

As per the suggestions of the Honourable Tribunal, the Central Silk Board II party herein files the following Memo of compromise in respect of regularisation of ad-hoc Field-cum-Laboratory Assistants :—

- (1) The Central Silk Board will regularise the ad-hoc and irregular appointments of the eligible Field-cum-Laboratory Assistants, working in the Central Silk Board with effect from 9-9-1987.

- (2) The Central Silk Board will give protection of pay to the eligible FCLAs, now being drawn by them as on 9-9-1987 without any claim for stepping out.
- (3) The seniority of eligible ad-hoc FCLAs will be reckoned prospectively from the date of their regularisation i.e., w.e.f. 9-9-1987.
- (4) All the service benefits like promotion etc. will flow to the credit of the said eligible FCLAs only from the date of their regularisation i.e., 9-9-1987.
- (5) The Writ Petitions and other Court Cases filed by some of the ad-hoc Field-cum-Laboratory Assistants before the High Court of Karnataka, High Court of Madras and other Courts, on the issue of regularisation of adhoc appointments will be withdrawn by them with immediate effect on the ground of same having become infructuous.
- (6) The aforesaid terms shall be final and binding on all the said 66 Field-cum-Laboratory Assistants.
- (7) (Dictated to the Secretary taken down by him and typed and corrected by me.)

B. N. LALGE, Presiding Officer
[No. L-42011/5/85-D. II(B)]
HARI SINGH, Desk Officer.

नई दिल्ली, 15 अक्टूबर, 1987

का. शा. 3061.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, न्यू इंडिया इन्सुरेंस कं. लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अद्वय में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-1987 को प्राप्त हुआ था।

New Delhi, the 15th October, 1987

S.O. 3061.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Insurance Co. Ltd., and their workmen, which was received by the Central Government on the 24th September, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No: I.D. 37/86

PARTIES:

Employers in relation to the management of New India Insurance Co.

AND

Their workman Ravi Kanta.

APPEARANCES:

For the Workman: Shri R. K. Chopra.

For the Management: Shri Raikumar, Advocate.

INDUSTRY: Insurance Co.

STATE: Punjab.

AWARD

Dated the 16th September, 1987

Vide Central Government notification No. L-17012/72/85-D. IV(A) dated 28th April, 1986 following dispute between the workman and the management was referred to this Tribunal under Section 10(1)(d) of the I. D. Act, 1947 for decision and is as under:

"Whether the action of the management of New India Insurance Co. Ltd. in terminating the services of Miss Ravi Kanta, Temporary Typist in their Rajpura Branch with effect from 14th March, 1985 is legal and justified? If not, to what relief she is entitled to?"

2. The case of the workman is that she joined as typist on 3-8-82 on daily wages and worked continuously up to 13-3-1985. That her duties to maintain despatch register, prepare the returns, type the statements and other msc. letters. That vide letter dated 25-2-1985 workmen requested the regional manager that few vacancies of regular typist in the Co. have fallen vacant and workman be absorbed. That management did not accede the request of the workman. That on 14-3-1985 when workman went to attend the office she was not allowed to enter the premises and was told verbally that her services came to an end. It was alleged by the workman that her services can not be terminated without following the procedure laid down under Section 25 of the Industrial Disputes Act. That order of termination is void as no retrenchment compensation was paid to her.

3. The management in their reply alleged that workman was fresher and was to learn the job of a clerk or a typist. The worker was just an assistant to a trained clerk/typist. Appointment of the workman on 3-8-82 on daily wages at Rs. 18 per day was admitted. It was alleged that workman wanted that her services be regularised which could not be done because there was regular recruitment policy framed by the Co. That under the above policy written test was required. That workman took the test also but failed. It was alleged that the services of the workman were never terminated rather she herself stopped coming to the office from 14-3-1985. That in the proceedings for conciliation appointment was offered to her but she did not join. That in proceedings under Section 33-C(2) initiated by her she was again offered to join the service but workman did not join on the plea that she should be given continuity.

4. In support of their respective allegation besides documents workman placed her affidavit on the file as W1 and also appeared to face cross-examination. She also examined WW 2 N. M. Punj Asstt. Branch Manager of the Co. to prove certificate W3 issued by him. In rebuttal is the statement of witnesses viz. Pradeep Jain MW1 and MW2 K. S. Sodhi. Both stated that no letter dated 14-3-85 or 8-4-85 were received.

5. In the present case the facts to some extent are not disputed rather they are proved from the record. W8 is a letter issued by R. S. Doda, Deputy Manager. In the same it is admitted that workman was appointed as temporary typist on daily wages since August 1982. It is also admitted that she continued to work up to 13-3-1985 meaning thereby that workman continued in service of the Co. for more than 240 days.

6. The one dispute between the parties is whether the workman was appointed as typist or not. According to the management she was appointed as trainee on daily wages. On this aspect I am of the view that management stands belied by their admission. W3 is a certificate issued on 23-2-1984. The workman is detailed therein to have been working in the Co. as typist since 3-8-82. It is also admitted by Mr. Punj that workman used to do typing work. That policies were also got prepared from her. It is also admitted in W8 that workman was appointed as temporary typist on daily wages since August 1982. This admission was made in letter dated 8-7-85 addressed to Assistant Labour Commissioner (Central) Chandigarh. The above admission clearly prove that workman was never appointed as trainee but was appointed on daily wages as typist.

7. The other dispute between the workman and the Co. is whether services of workman were terminated or she abandoned the services of her own. According to workman she was not allowed to enter the premises on 14-3-1985. Workman has placed on the file UPC to prove that she posted a letter on 14-3-1985 itself to Branch Manager of the Co. at Rajpura. Copy of the letter dated 14-3-1985 as W6 have been placed on the file to show that she was not allowed

to enter the premises. The workman has also placed on the file UPC dated 8-4-82 to show that she posted a letter to Regional Manager. Copy of the Letter W4 is also placed on the file. Workman also approached the Regional Labour Commissioner for conciliation. The case of the management is that workman wanted to have her services regularised so she left the job on her own as she was not prepared to work on daily wages. To support this reliance is being placed on Statement of Ravi Kanta recorded in proceedings under Section 33-C(2) wherein she admitted as under:

"I am ready to join service with the Respd. on daily wages on the condition that they pay me the same wages which are being paid to the regular employees."

8. Counsel for the insurance Co. placing reliance on the above portion contended that workman was not prepared to work on daily wages so case of abandonment be held to be proved. I am of the view that from the above admission no such inference can be drawn. In the present day set up it is very difficult for a man to get a job. The person working on daily wages for the last three years will not like to go all of a sudden without information. If the workman intended to leave the job, there was no occasion for her to agitate the same on the same day by U.P.C. So I am of the opinion that in the present case abandonment of services by the workman is not proved. It appears that workman was working on daily wages and management terminated the services all of a sudden.

9. It is settled law that daily rated workers are workman. For this reliance may be placed on 1987 LIC 89 Re. PWD Employees Union and others Vs. State of Gujarat and others and 1987 LIC 508 Re. Tek Chand Vs. State of Himachal Pradesh.

10. In the present case as applicant is a workman and she had put in more than 240 days of service so her services can not be terminated all of a sudden without any notice or retrenchment compensation. It is also admitted that after workman some other regular employees has been appointed. Though there is recruitment policy of the Co. and workman could not qualify the test but still she being a daily rated worker is adhoc employee and her services can not be terminated without retrenchment compensation. So it is held that order of termination is void.

11. An application was also made before me for conducting inquiry to find out whether workman is fit to be retained in service or not. This application is liable to be rejected on the sole ground that no such plea was raised that work and conduct of the workman is not satisfactory. No case about lack of faith by the management in the workman has been placed by the management.

12. As such it is held that order of termination of workman's service is bad and liable to be set aside. Workman is liable to be re-instated with all back wages from 14-3-1985. In a way reference is decided in favour of the workman and against the management.

Chandigarh.

16-9-1987.

M. K. BANSAL, Presiding Officer

[No. L-17012/72/85-D IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 21 अक्टूबर, 1987

का. अ. 3062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुपकरण में, केन्द्रीय सरकार, कर्णाटक बैंक लिमिटेड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-87 को प्राप्त हुआ था।

New Delhi, the 21st October, 1987

S.O. 3062.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Karnataka Bank Limited and their workman, which was received by the Central Government on the 8th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, BANGALORE

Dated : twenty Third Day of September, 1987

Shri B. N. Lalge, B.A. (Hons.) LL.B.—Presiding Officer
Central Reference No. 41/87

Old Central Reference No. 3.86

FIRST PARTY :

Shri Kala-Handa, C/o Shri K. Subba Rao, No. 128, Cubbonpet, Main Road, Bangalore-560002.

V/a

SECOND PARTY :

The Chairman, Karnataka Bank Ltd., P.B. No. 716, Mangalore-575005.

APPEARANCES

For the first party—Sri. K. Subbarao, V. S. Nayak.

For the second party—Sri. V. H. Upadhyaya.

AWARD

By order No. L-12012/25/85-D-IV(A) dated 21-1-1986 the Government of India Ministry of Labour, had made the present reference to the Industrial Tribunal of the State Government.

2. By a General Order No. L-11025/A/87-D-IV(B) dated 13-2-1987, the matter was transferred to this Tribunal.

3. The present case is at Sl. No. 42 in the said order.

POINT OF DISPUTE

"Whether the management of Karnataka Bank Ltd. is justified, in dismissing Sri. D. Kala-Hand, Ex-clerk with effect from 5th September, 1984 ? If not, to what relief is the workman concerned entitled ?"

4. The first party employee has filed his claim statement and its contentions in brief, are as follows :—

5. He joined the second party Bank as a clerk on 8-5-78. His record is without any blemish. One Suresh Hebbar was the incharge manager of Kodalipet Branch at that time. He had ill-feeling and grouse against him, because he had questioned about the propriety of his allocation of work. Hebbar was bent on victimising him. He took advantage of a very trivial matter and issued a memo dated 1-10-80. It was alleged that on 30-9-80 at 5-15 P.M. he had quarrelled with K. Ananda, clerk of the Bank, and that he had beaten him. He was asked to give an apology within 24 hours. He denied the allegations. K. Ananda had given a false complaint against him at the instance of others. The General Manager had issued a memo to him dated 27-10-80. He had denied the allegations. A charge sheet dated 24-9-83 was issued to him, alleging that he had committed acts of misconduct punishable under clauses 19.5 (c) 19.5 (j) 19.5 (e) of the bipartite settlement. He submitted his explanation. The charge sheet issued after three years is against law. The disciplinary proceeding is vitiated. One V. R. Hebbar was appointed as the enquiry officer. He learns that Suresh Hebbar and V. R. Hebbar are relatives. 4 witnesses were examined in the enquiry. He learns that a similar memo was issued to K. Ananda on 1-10-80 and he was asked to give his apology. He wanted the assistance of one of the office hearers of Karnataka Bank employees association. He did not get any such

assistance, because pressure was put on the association not to give him assistance. Ex. M-1 to M-8 were marked in the enquiry. Since he is a layman, he could not cross-examine Anand as a professional can do. MW-3 Hebbar stated that there was exchange of words and quarelling. MW-4 Srinivasamurthy did not state about beating. The evidence indicated that the case of assault was cooked up. He has then given his evidence. The management representative Krishnamurthy is a legally trained person. He was entitled to the assistance of a lawyer in the enquiry. He was not given that opportunity. He had submitted his arguments. The findings of the enquiry officer are perverse. A show cause notice dated 10-7-84 was issued to him proposing dismissal. He gave his representation. Without considering his case, the order of dismissal was passed. He filed an appeal. The chairman did not allow it. Principles of natural justice were not followed in the enquiry. The charge issued to him was vague. Relevant documents were not taken into account by the enquiry officer. The management passed a rejecting order of dismissal. An award may be passed that his dismissal is illegal and the management may be ordered to re-instate him with full back wages and consequential benefits.

7. The second party has filed its counter statement. Its contentions are brief, are as follows :—

8. On 30-9-1980 during office hours he assaulted Ananda and quarellled with him. A charge sheet was issued to him, and an enquiry was held. On the basis of the enquiry report, he was dismissed. It usually takes some time for examination of the papers and to obtain an opinion from the administrative and legal branches. His allegation that Suresh Hebbar is at the back of the enquiry is false. It is false to say that V. R. Hebbar and Suresh Hebbar are related. He had not taken any such objection. It is false to say that he wanted to take assistance of any office-bearer of the union and that the Bank prevented him from doing so. The enquiry officer had asked him whether he wanted the assistance of a co-worker, but he stated that he would defend himself. The enquiry officer has discussed the evidence properly. The General Manager has considered the evidence and has come to a proper conclusion. The first party has given a twist to the case in the claim statement that a trivial incident had taken place. His contention that the management has deprived him of the assistance of a lawyer is baseless. The presiding officer was one of the employees of the Bank and not a lawyer. His appeal was properly considered, the punishment is not excessive. The management had taken a dispassionate view in issuing the memo to K. Ananda. The reference may be rejected.

9. In view of the said pleadings, the following issues were raised :—

- (a) Whether the Domestic Enquiry conducted by the II Party is in accordance with principles of natural justice ?
- (b) Whether the punishment imposed on the I Party workman is excessive or disproportionate to the misconduct committed ?
- (c) What order ?

Issue No. 1 was taken up as a preliminary issue.

10. The second party examined on witnesses and got marked M-1 to M-12.

11. The first party had examined himself.

12. After hearing the parties had considering the material on record, a considered finding has been recorded on additional issue No. 1 on 2-7-1987.

13. It has been held that the domestic enquiry held by the management is in accordance with law.

14. There-after, the parties were called upon to adduce evidence and argue the matter on the remaining issues and the point of dispute.

15. The second party has not adduced any additional evidence.

87/1383 GI—14.

16. The first party has recalled WW-1 and he has been further examined.

17. The parties have been heard.

18. My findings on the additional issues and point of dispute are as follows :—

- (1) Additional issue No. 2 : Yes.
- (2) Additional issue No. 3 : The employee is entitled to the relief shown below :—
- (3) Point of dispute :—

20. The management was not justified in dismissing him. Under section 11(A) of the I.D. Act, it is held that the punishment is excessive and the employee is entitled to the relief shown below.

REASONS

Additional issue Nos. 2, 3 and point of dispute :

21. The learned counsel for the first party contended that the findings recorded by the enquiry officer are perverse. On the other hand, it was argued for the second party that the findings are based on legal evidence and that they are not perverse. The test of perversity is whether the finding is not supported by any legal evidence or whether on the basis of the material or record any reasonable person can arrive at a finding complained of. The enquiry officer has in all examined 4 witnesses. It is not the case of the first party that the evidence of any of these 4 witnesses was not evidence at all. The enquiry officer has relied upon 12 documents. Ex. M-1 is the charge sheet issued to him Ex. M-2 is the reply given by him to the same. Ex. M-3 is the notice of the enquiry Ex. M-4 is the proceedings of the enquiry. Ex. M-5 report of the enquiry officer. Ex. M-6 and M-7 are the memos dated 1-10-1980 issued to the first party employee and K. Ananda. Ex. M-8 is the reply given by the first party to the said memo. Ex. M-9 is the show-cause notice issued by the General Manager to him on 27-10-1980. Ex. M-10 is his explanation to the same. Ex. M-12 is the written arguments of employee given to the enquiry officer. Ex. M-12 is his explanation to the notice dated 10-7-1984. It has not been shown as to which of any of these documents was in-admissible in evidence. On going through the documents, it would be obvious that all of them have been admitted in evidence in accordance with law.

22. The next question would be whether on the basis of the material on record any reasonable person could have arrived at the said finding. In addition to the evidence of K. Ananda, the enquiry officer has taken into account the evidence of Suresh Hebbar, Srinivasa Murthy and Putte Gowda to hold that the employee Kala-Handa had quarellled and assaulted K. Ananda. He has further discussed as to how the evidence of A. G. Srinivasamurthy, the teacher of Kodalipt school had substantiated the incident. The employee himself states in his claim statement in para 3 that Suresh Hebbar took advantage of a very trivial matter and issued a memo dated 1-10-1980. The said admission leads to an inference that on 30-9-1980 there was an incident. The learned counsel for the first party contended that witnesses Srinivasa Murthy and Puttegowda had not seen the beating and therefore the finding of the enquiry officer that the employee had beaten Ananda is perverse. In the explanation to the first memo of the manager, second memo issued by the General Manager, the charge-sheet and in his first statement before the enquiry officer, the employee Kala-Handa had a case that he did not do anything and everything was a concoction. It was not his case in the enquiry that himself and K. Ananda had quarellled on a trivial matter and a mountain is made of a mole-hill. In that context the enquiry officer had discussed the evidence and has arrived at his finding. No corroboration can be expected to the extent of mechanical precision. It is difficult to hold that on the basis of the material placed before him, the Enquiry Officer, no reasonable person could have arrived at a conclusion that Kala-Handa had quarellled and beaten K. Ananda on that day.

23. The learned counsel for the first party contended that there was victimisation, inasmuch as K. Ananda was not awarded any punishment, where-as the employee has been

picked up for punishment. In a case where misconduct is established the question of victimisation does not arise. Secondly, it is important to note that K. Ananda had represented for his conduct of quarrelling by tendering an apology and if the management has accepted the same, it cannot be said that the employee has been picked up for victimisation.

24. It is conceded by the employee Kala-Handa in para 5 of the his evidence that after the Branch Manager gave him the memo, he was told that Ananda had given his apology and that if he also could give his apology, he will close the matter or otherwise he would report the matter to the head office. In my opinion there was nothing wrong if the manager intended to close the matter itself, if the parties to the quarrell Kala-Handa and Ananda were to tender their apologies. The evidence of the employee in para 5 does not prove that the management had indulged in victimising him.

25. The learned counsel for the first party cited the case of M. D. Parmar V/s Y B. Zala (1980)(1) LIJ Page 260 and argued that delay in the issue of charge sheet is fatal. The authority has been taken into account while recording the finding regarding propriety of the enquiry. I do find that it is pertinent on the point of perversity. The case of Bhagat Ram V/s. Sate of Himachal Pradesh was brought to my notice. The authority is on the point that in the case of class IV employees, if the enquiry officer does not ask him whether he intended to be represented by a co-employee the enquiry would be vitiated. The authority is not on the point whether the finding or perverse are not. The aspect whether the enquiry has been held according to principles of natural justice or not has been already decided. The case of Union of India V/s. Karunakaran Niar 1986 1 LLJ page 124 was cited. I find that it is also not on the point of perversity of the findings. The question whether he has been properly represented or not has been decided.

26. The learned counsel for the second party contended that Kala-Handa was the aggressor and that the incident of beating took place in a split of a minute and therefore there is no inconsistency in the evidence of K. Ananda, the victim on the one hand and Putte Gowda and Srinivasamurthy on the other.

27. On the basis of the material on record, I find that the findings recorded by the enquiry officer are not perverse.

28. Under section 11(A) it has been provided that if the tribunal is satisfied that the order of dismissal is not justified, it may set aside the same and direct re-instatement on such terms and conditions, or if it thinks fit it may impose a lesser punishment.

29. The learned counsel for the second party has produced before me three documents with a list of 12-8-1987. They are the order of dismissal, the appeal filed by the employee and order order passed in the appeal. In the memorandum of appeal in para (a) under the heading "ground" the employee has stated that the fact that the matter would have been closed with an apology as per the memo dated 1-10-1980 indicates that the incident was trivial in nature and the punishment of dismissal would be disproportionate, harsh and excessive. The memo dated 1-10-1980 Ex. M-6 issued by the Manager of Kala-Handa, states that he had quarrelled and between Ananda and should tender his apology. It contains an additional element of beating as compared to the memo issued to Ananda Ex. M-7 and when the management was satisfied with the apology of Ananda it appears that the extreme punishment of dismissal against Kala-Handa is disproportionate and harsh. Secondly the very fact that after the General Manager issued the memo dated 27-10-1980 Ex. M-9 the charge sheet Ex.M 1 was issued on 24-9-1983 indicates that the management itself was not able to take within a reasonable time a decision whether to take disciplinary action against the employee. Kala-Handa. Under these circumstances I find that the management ought to have imposed a lesser punishment such as withholding of two increments with cumulative effect instead of dismissing him. I am of the view that such a punishment coupled with re-instatement without backwages would be reasonable.

30. In the result, an award is hereby passed to the effect that the dismissal of Shri D. Kala-Handa with effect from 5-9-1984 is not justified and that he shall be re-instated by

the management within one month from the date on which this award comes into effect, but without backwages and that the management shall impose the only punishment of withholding of two increments with cumulative effect.

(Dictated to the Secretary taken down by him and got typed and corrected by me.)

B. N. LALGE, Presiding Officer
[No. L-12012/25/85-D. IV(A)]

का. आ. 3063--औद्योगिक विवाद अधिनियम 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार,
करूर वैश्य बैंक, बंगलूर के प्रबंधन से सम्बद्ध निरीतकों और उनके
कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार
औद्योगिक अधिकरण बंगलूर के पंचाट का प्रकाशित करती है, जो केन्द्रीय
सरकार को 12-10-87 को प्राप्त हुआ था।

S.O. 3063.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management of Karur Vysya Bank, Bangalore and their workmen, which was received by the Central Government on the 12th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated : 29th day of September 1987

Shri B. N. Lalge, B.A. (Hons.) LL.B Presiding Officer
Central Reference No. 35/87
Old Central Reference No. 23/85

First Party :

The General Secretary,
Karur Vysya Bank Employees
Union, Avenue Road,
Bangalore-560002.

V/s.

Second Party :

The Chairman,
Karur Vysya Bank Ltd.,
Central Office,
Karur-639001.

APPEARANCES :

For the first party : Sri V. Gopala Gowda, Advocate.

For the second party : Sri B. C. Prabhakar, Advocate.

AWARD

By Order No. L-12012/54/84-D-IV(A) dated 30-8-1985 the Ministry of Labour, Government of India exercising powers under section 10 of the Industrial Dispute Act made the present reference to the State Government Industrial Tribunal, on the following point of dispute.

2. By a General Order No. L-11025/A/87-D-IV(B) dated 13-2-1987, it has been transferred to this Tribunal.

3. The reference is at Sl. No. 36 in the said order.

POINT OF DISPUTE

"Whether termination of services of Shri Venkatesh, temporary Sub-Staff, by the management of Karur Vysya Bank Ltd., Avenue Road Branch, Bangalore w.e.f. December, 1982 is justified ? If not, to what relief the concerned workman is entitled ?"

4. The first party union has then filed its claim statement. Its contentions in brief are as follows :—

5. The second party has branches through out India. It is extracting cheap labour and adopting unfair labour practice. It recruits workman on temporary basis to get permanent nature of work from them. Each branch maintains a

panel of workman for being engaged as sub-staff. Thus each workman is given not more than six days of work in a month. It does not give any order in writing to the employees. Other benefits are not given to him. The employee S. Venkatesh was employed as sub-staff with effect from 4-8-1981. He has studied upto 8th standard. He was discharging his duties satisfactorily and without blemish until his services were illegally terminated on 6-12-1982. He has worked for a period of one year and four months, as required by section 25B of the Industrial Dispute Act. His termination amounts to retrenchment as per section 2 (oo) of the industrial dispute Act. Though the workman has written letters on 9-12-1982 and 9-11-1983 the second party has not taken any steps. The second party has contravened section 25G, 25R and 25N of the industrial dispute Act. In the year 1984-85 the second party has confirmed about 35 to 40 workmen, where as it has not considered the case of Venkatesh. The action of the management is contrary to the bipartite settlements. The conciliation failed. Hence the prayer for re-instatement with backwages and consequential benefits.

6. The second party has filed its counter statement on 31-10-1985. The first party union had filed its claim statement on 31-10-1985 itself. The second party was thereafter permitted to file a re-joinder.

7. The contentions of the second party in brief are as follows :—

8. It has got 150 branches in 7 States. It has got 1,222 workmen and 405 officers. The man-power requirements are determined on the basis of the sanctioned posts and due provision is made for legitimate absenteeism. The absenteeism among sub-staff is erratic and their nature of work is such that it cannot be postponed. The branch managers are therefore empowered to engage casual hands. The appointment letters are issued by the head office. The branch managers are not authorised to recruit any employees. For casual workers engaged as sub-staff, wages are paid against petty cash vouchers. They are not borne on the rolls. The second party has no obligation as regards casual employees. The casual employees are under no obligation to report for work on any duty or give any explanation for not turning up for work on any day. In 1981-82, the strength of the subordinate staff in J. C. Road branch was two, whereas in avenue road branch it was five. Both the branches had employed casual employees for sub-staff work and one of them was S. Venkatesh. According to him he has worked for 99 days between August 1981 and October 1982 in the avenue road branch. He claims to have worked for 15 days between February 1982 and May 1982 in J. C. Road branch. Knowing full well that he was employed as a casual worker, he did not raise any dispute. By letters dated 9-12-1982, 14-6-1983, 9-12-1982 and 20-2-1984 he had prayed for appointment for a permanent post. His engagement in any month was not for more than for 6 days. There is no industrial dispute and the workmen of the Bank have not espoused his cause. There is delay and laches. Venkatesh has not raised any dispute under section 2A of the industrial dispute Act. The first party has no competence to raise the dispute. There was no malafides in his appointment as temporary sub-staff. The engagement of sub-staff is not made on the basis of merit or qualifications. It is not correct that non-engagement of Venkatesh from 6-12-1982 amounts to termination of employment. Each engagement was separate and there was no nexus between one engagement and another. The provisions of law shown by the first party do not have any bearing. The reference may be rejected.

9. In view of the said pleadings, the following issues have been raised:—

1. Whether the termination of 1st party workman amounts to retrenchment as contended by first party ?
2. What order?

10. The second party has examined 3 witnesses and got marked Ex. M-1 to M-18.

11. The first party has examined 2 witnesses and has got marked Ex W-1 to W-14.

12. The parties have been heard.

87/1383 GI—15.

13. My findings on the additional issues and point of dispute are as follows :—

(a) Additional issue No. 1:—No.

(b) Additional issue No. 2 and point of dispute:—

The second party has not committed any act of illegality in not providing further employment to Sri Venkatesh with effect from December 1982. He is not entitled to any relief.

REASONS

Additional Issue Nos. 1 and 2 and point of dispute:—

14. In para 5 of the claim statement the first party it has been contended that S. Venkatesh was employed as a sub-staff with effect from 4-8-1981 and he was discharging his duties diligently till his services were illegally terminated on 6-12-1982. In para 4 of the counter statement and also in para 6 of the re-joinder filed by the second party, it has been contended that between August 1981 and October 1982 S. Venkatesh has worked for 115 days in all and that too on 25 occasions. The main contention of the first party is that the termination of the services without giving him one months notice or compensation in lieu thereof and the retrenchment compensation is illegal. The second party contends that he had not put in the required service so as to attract the provisions of section 25F or of chapter V of the industrial dispute act.

15. The evidence on record requires to be examined in order to determine the period of service he had put in on the date of the termination of his services. Ex. M-2, M-11 and M-15 are the three important documents in that connection. Ex. M-11 is a list showing the engagement of casual sub-staff in the branches of Karnataka since 1980. Ex. M-11 at page 1 shows that Sri. Venkatesh worked for 30 days in 1981 and 71 days in 1982 in Bangalore main branch. In page 2 of Ex. M-11 there is the record regarding his engagement at the Bangalore J. C. Road Branch. It shows that he worked for 15 days in 1982 at J.C. road branch. Ex. M-2 shows the record of his engagement in the Bangalore main (Avenue Road) branch. The particulars shown in Ex. M-2, M-11 and M-15 are supported by the entries in the original attendance registers marked as M-1, M-3 and M-4. In para six of his evidence the employee Venkatesh swears that his services were terminated on 6-12-1982. For the purposes of section 25-F read with section 25 B, it requires to be examined as to for how many days Venkatesh had worked during the period of one year next proceeding 6-12-1982. Ex. M-2 shows that out of six days of his engagement in the period of leave availed by Sri. N. Jayaraman, Venkatesh had worked on 7-12-1981 during the period of one year between 7-12-1981 and 6-12-1982. From pages two and three of Ex. M-2 it transpires that between 30-12-1981 and 6-12-1982, he had worked for 69 days. Ex. M-15 shows that in J. C. road branch he had worked for fifteen days in the period between February 1982 and May 1982 and that was the only term of his employment in J.C. road Branch. The total number of days worked by him within a period of one year in all the establishments of the second party between the period 7-12-1981 to 6-12-1982 is thus shown to be 84 days.

16. The learned counsel for the first party placed reliance on the case of Surendra Kumar Verma V/S Central Government Industrial Tribunal, New Delhi (1981) (I) LLJ page 386 and argued that it is sufficient if he has actually worked for not less than 240 days in a period of 12 months. He then cited the case of Nohanlal V/S B.E.I. (1981) (II) LLJ page 70 and explained as to what is meant by continuous service. The authority states that a person should be deemed to be in continuous service if he satisfies clause (a) of sub-section (2) of section 25B of the industrial dispute act. The facts of the reported case would show that the workman was appointed by an order dated 21-7-1973 and that his probation was extended up-to 8-9-1974 and his services were terminated on 12-10-1974. Since his termination was after the expiry of the period of probation and since he had worked

for more than 240 days within the period of 13-10-1973 and 12-10-1974, it was held that the provisions of section 25B and 25F were attracted.

17. The learned counsel for the first party then cited the case of the workman of American Express International Banking Corporation V/s the management of America Express International Banking Corporation [1985 (II) LLJ page 539] and argued that while calculating 240 days, Sundays and other paid holidays should be treated as days of actual work.

18. He further relied upon the case of Mukunda V/s. Managing Director K.S.R.T.C. [1986 Indian law reports (Karnataka) page 769]. The authority enunciates that the words continuous service appearing in section 25B (2) of the industrial dispute act should be liberally interpreted. It has been further laid down that for the purpose of calculation of 240 days the number of holidays to which the a workman is entitled to under the provision of a settlement or which could be availed of under the settlement including days of rest and compensatory holidays should be taken into account.

19. From the aforesaid authorities the principles that emerge are that the court should take into account the number of permissible Sundays and Holidays for which the employee ought to have been paid wages. Neither it is pleaded specifically nor demonstrated before me by actual calculation as to how Venkatesh, the employee had put in 240 days of service within the period of 7-12-1981 and 6-12-1982. Even granting that he was entitled to the wages of 52 weekly Sundays and 4 national holidays, it works out that his actual days of work would be 140 days. The authority of Mukunda V/s. K.S.R.T.C. does not lay down that a casual employee who is expected to attend to the work on a certain days only when being called upon to do so on the previous evening is entitled to count those days also wherein he goes to the office to know whether he can get work on the following day. Even if it is supposed that Venkatesh was required to call on the Main branch or J.C. road branch everyday to find out whether he can get work on that day, it does not follow that those days also should be reckoned for the purpose of section 2B and 2F of the industrial dispute act.

20. The evidence of WW-1 Krishnamurthy, the General Secretary of the first party union nor that of WW-2 the employee Venkatesh makes out a case that he had worked for 240 days within a period of one year next before 6-12-82. In para 34 of his evidence WW-1 Krishnamurthy has sworn that in the year they will be 12 or 14 national and festival holidays. Granting that Venkatesh was entitled to count even 14 national and festival holidays, the maximum number that could be counted in his favour would be 150 days, for below 240 days.

21. It was argued for the first party that the second party Bank had been practicing unfair labour practice, in as much as no member of the panel of the sub-staff was permitted to work upto 240 days per year and thus it wants to exploit the members of the panel and keep thus on the panel itself for an indefinite period. WW-1 Krishnamurthy, the General Secretary of the first party union has referred to settlement of 1966 marked as W-5. He makes special reference to para 20.7. Ex. W-5 in para 20.7 states that a temporary employee means a person appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in regard to temporary increase in work of a permanent nature and includes a person who is appointed in a temporary vacancy caused by the absence of a permanent workman. It was urged before me that Venkatesh should therefore be treated as a temporary workman. Ex. M-11 is the list showing engagement of casual employment of the sub-staff in the various branches of Karnataka since 1980. Ex. M-12 is the list of permanent, sub-staff appointed after January 1982. The number of members in the panel of the sub-staff is considerable as could be seen from Ex. M-11 and it is difficult to hold that the second party has managed to see that no member of the sub-staff becomes a permanent employee. The noting of the Assistant General Manager on the back-side of Ex. M-1 was pointed out to me and it was argued that the management has indulged in unfair labour practice. The note shows that the branch was advised not to engage some of

the members of the sub-staff such as M. Venkatesh and not the present employee S. Venkatesh, since they were already over-aged. The manager has been further advised that if any additional requirement of sub-staff is felt, he should write to the Additional General Manager. I do not find that there is anything unbecoming on the part of the Additional General Manager who wrote to the branches to send the proposals, if they required additional sub-staff.

22. WW-1 Krishnamurthy has referred to Ex. W-6 Shastri Award and on the basis of para 493, 495 and 516 it was argued that temporary workmen have their own rights and that the Bank has denied the members of the sub-staff such rights. The evidence of MW-1 Nugandayutham, the then manager of the J.C. Road branch and MW-2 Venkateshan the manager of the avenue road branch and that of MW-3 Lakshmanan shows that the employee Venkatesh was not appointed at any time as a temporary sub-staff but was taken on casual basis, during the leave period of various members of the sub-staff. MW-1 has denied the suggestion that Venkatesh was engaged for permanent nature of work. The evidence of MW-2 discloses that when the members of the permanent sub-staff were working, the first party workman never worked. Thus, he has denied the suggestion that Venkatesh was doing permanent nature of work.

23. The evidence of MW-1 Krishnamurthy and the appointment orders of various branches as per Ex. W-7 to Ex. W-10 have been relied upon to indicate that though there were permanent vacancies, the second party utilises only the services of the members of the temporary sub-staff. The evidence of MW-3 Lakshmanan, the Additional General Manager indicates that the reserve bank had found that there were more number of members of the sub-staff and that in response to his letters Ex. M-6 and M-7 he had received Ex. M-5, Ex. M-6, M-7 are letters dated 13-10-1986 and 23-10-86. Ex. M-5 shows that the Reserve Bank of India opened that the ratio of officers clerks, and sub-staff, 1 : 3 : 0.75 is considered as fair and reasonable. As against the said evidence WW-1 Krishnamurthy has relied upon the financial analysis Ex. W-12, the staff ratio statements of various Banks Ex. M-13 and his letter to R.B.I. Ex. M-14 and it was contended that the second party can accommodate still 84 members of the sub-staff. In my view it is not at all necessary to enter into the discussion whether the second party is already over-burdened by the members of the sub-staff or whether it can still employ a considerable number of temporary members of the sub-staff to permanent posts, the reason being that the first party workman was not even a temporary workman as on 6-12-1982. In para 46 of his evidence WW-1 Krishnamurthy concedes that Venkatesh was first engaged on 4-8-1981 and he was last engaged on 6-12-82 and in all he worked for 114 days. In para 56 of his evidence he has made a statement that after December 1982 no member of the sub-staff of the five Bangalore branches retired, dismissed, resigned or died. Thus, it is shown that there was no vacancy at all. The evidence produced by the first party does not prove that Venkatesh was engaged as a temporary workman. The oral evidence produced by the second party of MW-1, MW-2, MW-3, the documents such as attendance registers at Ex. M-1, M-3, M-4 and the statements at Ex. M-2 M-11, M-12, M-15 prove that Venkatesh was engaged only as a casual worker and he did not attain the status of a regular workman.

24. The evidence of MW-1 Krishnamurthy and the documents at Ex. W-2 and W-3, W-4, and W-11 were relied upon to show that the management had kept up its promises. Ex. M-2 on page 2 states that there should be no casual labour staff and all those employed as such should be treated as temporary employees. Ex. M-2 is the minutes of discussion between the parties held on 22-7-1980. From Ex. W-2 it appears that the management agreed to give effect to the provisions of para 20.7 and 20.8 of the settlement dated 19-10-1966. Ex. W-5 is the settlement dated 19-10-1966. In the context of the evidence placed before me, it cannot be said that the second party has acted against the provisions of paras 20.7 and 20.8 of Ex. W-5. As already observed Ex. M-2, M-11, M-12 and M-15 make it clear that only during leave vacancies etc., the members of the panel of the sub-staff were engaged as casual workers. Ex. W-3 is the minutes of discussion between the parties dated 16-8-82. It shows about the rival contentions of the parties. Ex. W-4

minutes of the discussions dated 12-4-1983 make out that the management agreed to maintain muster roll of temporary employees and further agreed to implement paras 20.7 and 20.8 of Ex. W-5. Ex. W-11 is a settlement showing that on 22-11-1979, the second party became a party to the settlements dated 1-8-1979 and 31-10-1979. Since the evidence produced by the second party proves that the workman Venkatesh was employed as a casual sub-staff during short period vacancies caused by leave etc. it is difficult to hold that he had become a regular employee or temporary employee, who can claim the benefits arising under section 25B read with 25B of the industrial dispute act in case of termination.

25. The first party has relied upon documents such as Ex. W-7, W-10 and the evidence of WW-1 Krishnamurthy to show that subsequent to the termination of services of Venkatesh, the second party has employed several workmen to the posts of sub-staff. Ex. M-12 is a statement filed by the second party showing the appointments to the sub-staff posts after January 1982. Except R. Rangaswamy, it is shown that all others had worked as members of the sub-staff temporarily in various branches. The evidence of MW-3 Lakshmanan indicates in paragraphs 6 to 10 that the Bank wanted to have control over the sub-staff vacancies and with that object Ex. M-8 to M-10 were issued. In my opinion Ex. M-8, M-9 and M-10 do not lead to any inference that the second party is indulging in unfair labour practice. If a consistent policy is chalked out for the recruitment of sub-staff, there cannot be any objection.

26. The learned counsel for the first party referred to the following cases:—

1. Avon services V/s. Industrial Tribunal, Haryana 1979 1 LLJ page 1.

2. State Bank of India V/s. Surendra Money (AIR 1976 Supreme Court page 111).

3. Santosh Gupta V/s. State Bank of India 1982 113 page 72.

4. L. Robert D'Souza V/s. Executive Engineer in Southern Railway (C.A. by special leave No. 1613 of 1979).

5. Aziz V/s. Managing Director K.S.R.T.C. (1986 ILR Karnataka page 2007), and

6. F.C.I. loading and unloading workers union V/s. [1987 (1) LLJ page 407].

27. These authorities are on the point that if the provisions of section 25F are not complied with, the termination will be illegal and the workman will be entitled to re-instatement and consequential benefits. On facts, it has been held that the provisions of section 25F read with Section 2(o) are not attracted, because he had not fulfilled the condition of working for a continuous period of one year within the meaning of section 25B of the Industrial Dispute Act.

28. The learned counsel for the first party contended that the second party has contravened provisions of chapter 5B and section 25K of the industrial dispute act, since the retrenched employee has not been given the opportunity for employment when there were vacancies. The learned counsel for the second party argued that this Tribunal cannot enlarge the scope of the reference and record any finding whether the workman was entitled to re-instatement on the footing that there was alleged retrenchment. There can be no dispute that this tribunal cannot enlarge the scope of the reference. Secondly, unless it is proved that there was any retrenchment, the provision of section 25H cannot be involved. Section 25K or chapter 5B are not at all attracted for the reason that neither in J. C. Road branch nor in Avenue Road branch, the number of employees was hundred or more.

29. The learned counsel for the second party placed reliance on the authority of Hindustan Liver Limited V/s. workman [1974 (1) LLJ page 94].

30. The authority has been cited on the point that his Tribunal cannot enlarge the scope of the reference. The authority supports the contention of the second party that this Tribunal cannot enter into the merits of the case of the first party that he is entitled for re-employment under

section 25H of the industrial dispute act, and even otherwise it has been already discussed as to how there was no retrenchment and the question of re-employment does not arise:

- (a) The case of management of Crompton Engineering (Madras) Private Limited V/s. presiding officer additional labour court, Madras [1974 (1) LLJ page 59] was pointed out and it was argued that where workman are appointed only for specific period or for a certain work and if their employment automatically came to an end as soon as the period was over or the work was over, there can be no order of re-instatement. In the case at hand it has been proved by the second party that Venkatesh was appointed for the specific period as casual sub-staff during the leave vacancies of regular sub-staff and in view of this authority, he cannot claim re-instatement.
- (b) The case of Rohtas Industries V/s. Brijnandan Pande and others [1956 (11) LLJ page 444] was brought to my notice. The authority shows that in the case of a workman appointed for a certain kind of work and if the said work is completed, there can be no objection for discharging him. The principle laid down supports the case of the second party that there was no obligation on their part to create a post of a sub-staff and provide the same to the employee Venkatesh.
- (c) The case of Bombay Port and Dock Employees Union V/s. Mehar and other [1965 (11) LLJ page 687] was pointed out to support the contention that the management has to decide as to how each section or department should be organised. The contention of the first party that the second party can still provide for a number of sub-staff posts cannot be accepted in view of the principle laid down in the present authority.
- (d) The case of Honnaiah V/s. K.S.R.T.C. (1985 FJR Vol. No. 66 page 293) was brought to my notice. The authority is on the point that at Badli Worker cannot be regarded to be in the employment of the employer on the days on which he has not worked within the meaning of Section 25B (1) of the industrial disputes act. It states that the section can be applied to a case where a workman is in service of an employer throughout a specified period but was unable or prevented from working on certain days or period. In the case of Mukunda V/s. Managing Director K.S.R.T.C. it has been discussed as to how the case of a Badli Workers should be treated while considering whether he was in continuous service for a period of one year. It is obvious that the principles laid down in the case of Mukunda will be applicable.
- (e) The case of English Electric Company V/s. Industrial Tribunal Madras [1981 (1) LLJ page 141] was referred in order to show that the scope of the dispute cannot be enlarged. The said proposition has been already accepted.
- (f) The case of Prakash Cotton Mills V/s. Rashtria Mill Mazdoor Sangh [1987 (1) LLJ page 97] was placed before me to show that a Badli Workman is not entitled to compensation on account of closure as per section 25C of the industrial dispute act. The question involved is whether he is entitled to compensation under section 25F of the Act, on the ground of retrenchment and not whether he is entitled to the same under section 25C, on the ground of closure.
- (g) The case of Jaswanth Sugar Mills Limited V/s. Badli Prasad and others was referred to [1961 (1) LLJ page 649] and it was argued that a temporary workman can be engaged for the work of a temporary nature or casual nature of work. The authority is with reference to the definitions of permanent worker and temporary worker as shown in the standing orders. It is not pertinent.

31. The object of section 25F is to provide for compensation to the worker so as to soften the rigour of hardship resulting from being thrown out of employment, through no fault of his. In order to claim retrenchment compensation, the workman shall have to prove that he was employed in the industry and he was in continuous service for not less than one year under that employer. The words, "continuous service for a period" mean uninterrupted service or interrupted service but the interruption should be on account of sickness etc., as shown in 25B (I). In the case *Hutchafah V/s. K.S.R.T.C.* [1983 (I) LLJ page 30] it has been laid down that where a workman has not worked for a period of 240 days immediately prior to the date of discharge or during any other year, it is a matter relevant for consideration for computation of the amount payable under section 25F(b) of the industrial dispute act. It has been further held that he may not be entitled to 15 days salary for such year, but that does not mean that if for some reason or other, a workman has not worked for 240 days in the year preceding the date of termination, his past service would be wiped out. The service of Venkatesh prior to 6-12-1981 was of 2nd days as per Ex. M-2. Even for the period of 12 months prior to 6-12-1981 he was not entitled for any compensation under section 25F of the act.

32. The learned counsel for the second party contended that he first party union has no authority to espouse the case of the employee Venkatesh and that the reference is bad in law. The employee contends that the termination of the services is illegal. There is no dispute on the point that since 6-12-1982 he has not been employed. The said fact leads to an inference that his services have been terminated with effect from 6-12-1982. When the employee Venkatesh had himself the right to raise the dispute under section 2A of the act, I find no force in the contention that the dispute raised by the union is bad in law.

33. With reference to the Shastri award clause 522. it was submitted that the services of any employee other than a permanent employee can be terminated only after 14 days notice and since no such notice was given the termination was illegal. A casual worker employed for the work of a sub-staff on leave is not entitled to any such notice as contemplated by the Shastri award. Only pages 144 to 147 of the said award have been placed before me. It is therefore not possible to observe as to whom it applies besides permanent employees, so that they can claim 14 days notice.

34. The learned counsel for the second party contended that the employee Venkatesh has himself no claim for reinstatement or back wages but he claims employment as to could be seen from his letters Ex. M-17 and M-18 and therefore there is no case made out of termination of services. It is true that he has requested for work. However, it matters little whether he claims reinstatement or re-appointment, since, the case as put forth by the first party has not been established.

35. I find that there is no merit in the contention that termination of his services amounts to retrenchment.

36. In the result, an award is hereby passed that the second party was not obliged to employ him even after 6-12-1982 and that the employee Venkatesh is not entitled to any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-12012/54/84-D.IV(A)]

का. प्र. 3064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में केन्द्रीय सरकार, बैंक नेशनल डीपोजिटरी, बंबई के प्रबंधक के विरुद्ध बैंक स्टाफ यूनियन, बंबई 400001 द्वारा दत्त अधिनियम की धारा 33(क) के अन्तर्गण शायर की गई शिकायत के संबंध में प्रमुख के दर्शाए गए केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, बंबई के पंचाट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 15-10-1987 को प्राप्त हुआ था।

S.O. 3064.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in respect of complaint u/s. 33A of the said Act filed by French Bank Staff Union, Bombay-400001 against the management of Banque Nationale De Paris, Bombay, which was received by the Central Government on the 15th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, BOMBAY.

PRESENT

Mr. Justice M. S. Jamdar,
Presiding Officer.

Complaint No. CGIT-1 of 1987
(Arising out of Ref. No. CGIT-17 of 1985)

PARTIES :

French Bank Staff Union, French Bank Building,
Homji Street, P.O. Box No. 45, Bombay-400001.

—Complainant.

V/s.

Banque Nationale De Paris, French Bank Building,
Homji Street, P. O. Box No. 45, Bombay-400001.

—Respondent.

APPEARANCES :

For the Complainant.—Mr. A. V. Bukhari, with Mr. Ahire, Advocate.

For the Respondent.—Messrs Crawford Bayloy and Co. Advocates.

INDUSTRY : Banking.

STATE : Maharashtra.

Bombay, dated the 30th day of September, 1987

AWARD

The French Bank Staff Union, Bombay filed this Complaint under Section 33-A of the Industrial Disputes Act, 1947 read with Rule 64 of the Industrial Disputes (Bombay) Rules 1957, for a declaration that the Respondent Bank has contravened the provisions of Section 33 of the I.D. Act, 1947, by resorting to direct recruitment of Junior Officers with a view to mark the future chances of promotion of the existing employees and to frustrate the adjudication of the industrial dispute referred to this Tribunal in respect of the demand raised by the union for formulating a promotion policy.

2. By a separate application the Sangh prayed for interim relief of restraining the Respondent Bank, through its agents, servants and persons claiming through them from making any direct recruitment to the posts of Clerks, Special Assistants and Junior Officers, and from giving further effect to any order of appointment, if already issued. By an order dated 28-4-1987 the injunction prayed for was made absolute till the decision of the Complaint with the modification that the Bank will be permitted to go ahead with the direct recruitment of three Chartered Accountants as Junior Officers. This order was slightly modified by consent on 21st May, 1987.

3. Being aggrieved by the order the Respondent Bank filed original side Writ Petition No. 2421 of 1987. It was disposed of on 14th September, 1987. Today the parties filed an application praying for disposing of the Complaint in terms of the order of the Hon. High Court. They have filed a copy of the Minutes of the order, which is as follows :—

MINUTES OF ORDER

1. Rule, Respondent No. 1 waives service.
2. Petition called out for hearing and heard forthwith.
3. By consent, impugned order is treated as having finally disposed of the Complaint. Impugned order substituted by the following order :—

Petitioners are allowed to directly recruit Chartered Accountants, MBAs and persons with requisite

qualifications and experience for preparation and maintenance of soft ware for their computer and E.D.P. operations as Officers, during the pendency of the Reference (IT) No. 17 of 1985.

4. The 2nd Respondent will try to dispose of the said Reference as early as possible and preferably before 31st December, 1987."

4. In view of the Complaint stands disposed of.

M. S. JAMDAR, Presiding Officer
[No. L-20025/4/87-D. IV(A)]

आ. आ. 3065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ग्रीन्डलेस बैंक पी. एल. सी. के प्रबंधन से सम्बद्ध नियोजकों और कर्म-कारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है।

S.O. 3065.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Grindlays Bank plc and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, BANGALORE

Dated, 9th Day of September, -1987

Sri. B. N. Lalge B.A. (Hon.) LL.B. PRESIDING OFFICER.

Central Reference No. 53/87

Old Central Reference No. 17/86

FIRST PARTY

The General Secretary,
Grindlays Bank Employees Union,
C/o. Grindlays Bank, Unity Building,
J. C. Road, Bangalore-2.

SECOND PARTY

The manager,
Grindlays Bank plc.,
Unity Building, JC Road,
Bangalore-2.

APPEARANCES :

For the 1st Party Sri. P. N. Subramanyam General Secretary.

For the II Party Sri. C. Krishna Murthy Manager Industrial relations.

AWARD

By order No. L-12012/86-D. IV(A), Dated 22-8-86. The present reference was made to the State Government Industrial Tribunal.

2. By General Order No. L-11025/A/87-D-IV (B) Dated 13-2-87, the matter was transferred to this Tribunal. The present dispute is at Sl. No. in the said order.

3. The point of Dispute is as follows :—

"Whether the action of the management of Grindlays Bank Bangalore in not promoting Shri. G. L. Babu, subordinate staff, to clerical cadre is justified? If not, to what relief is the workman entitled to".

4. The First Party Union has then filed its claim statement inter-alia, it states as follows.

(a) The First Party is a registered union established on 22-3-1957. It represents of the workman employed in the Bangalore branch. The service conditions of the employees are governed by Shastri award and Desai award as modified by bipartite settlements.

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5. The recruitment to subordinate staff cadre is always on center-wise basis. The union is affiliated to all India Grindlays Bank Employees Federation. There is a settlement between the Bank and the Federation dated 29-4-70. It is reiterated in a settlement dated 14-1-77. There was a practice and usage that subordinate staff should be promoted to clerical staff and subsequently it was modified by an agreement and letter dated 23-10-67 was addressed to the Federation. The employee G. L. Babu, has qualifications of D.B.A. and typing besides being S.S.L.C. On 23-4-1984 applications were invited for the promotion to the clerical cadre subject to the conditions of settlement dated 6-1-84. The said settlement is between the Bank and the all India Grindlays Bank Employees Association. It is not binding on it or its members. It binds only the Association or its members under section 18(1) of the I.D. Act. It is retrograde the management put up another notice dated 25-4-1984 and called for applications. In accordance with the agreement dated 23-10-67, the employee Babu appeared for the modified test at Bangalore on 14th May 1984. He received a letter dated 21-8-84 to appear for interview at Madras on 27-8-84. The element of interview is contrary to the agreement dated 23-10-67. It was only a empty formality. The Union took objections for the same. No information was sent to the employee, though two clerical vacancies in Bangalore Branch were filled up in October 1984 by fresh recruitment. The employee wrote to the General Manager 25-3-85. The Bangalore Branch wrote to him on 29-3-85 that he was not found suitable. He was never orally informed about it. Till 1970 the Bank had a positive policy and 5 members of the subordinate staff in the Bangalore Branch were promoted within a span of ten years. The settlement dated 6-1-84 does not confer any right on the management to introduce interview arbitrarily. They raised a dispute. The conciliation failed. Since the Bank had held a modified test in the case of Babu, it was bound to promote him, when he had passed the written test. The action of the management in not promoting him is illegal. As per clause 4 of the agreement dated 23-10-67, it was incumbent on the management to train Babu because under the settlement of 6-1-84 only clause No. 3 of agreement 23-10-67 has been superseded. Under clause 4(2) of the agreement dated 23-10-67, the Bank cannot fill up clerical vacancy until subordinate staff is given opportunity of promotion. Suitability is not the same as determination of degree of merit Babu knows typing but the Bank did not test him. The change in the policy of the Bank blocks the promotional avenues of subordinate staff. From 1970 till today not a single member of the subordinate staff is promoted. An award may be passed that denial of promotion is not justified etc.

6. The Second Party management has filed its counter statement and its contentions in brief, are as follows :—

(a) Prior to 6-1-84 any member of the subordinate staff who is sufficiently literate and efficient was allowed to appear for the Bank's modified test. In supersession of the said policy, the Bank entered into a settlement dated 6-1-84 with the all India Grindlays Bank Employees' Association. It is binding only on the parties to the settlement. Technically speaking, it is not binding on the First Party Union. The settlement dated 6-1-84 has made several improvements and it is more beneficial and favourable to the members of the subordinate staff. The Bank is entitled to change the service conditions as long as they are beneficial to workman. Even if the settlement dated 6-1-84 is not binding on the First Party Union, its members can comply with and conform to the provisions of the same. Babu applied for the promotion by letter dated 30-4-84. The Bank informed him to appear for the written test. Those who passed and found eligible were called for interview. Babu had accepted the uniforms as per the settlement dated 6-1-84. It is not open for him to pick and choose. Promotion from sub-staff to clerical cadre is not automatic. Since he did not get through in the personal interview, he cannot get promotion. On the basis of the aforesaid pleadings the following issue has been raised.

1. Whether the First Party proves that it is incumbent on the Second Party to adhere to the norms of promotion policy incorporated in the agreement dated 23-10-67.

2. The First Party has examined on witness and has got marked Ex. M1 to M11.

8. The First Party has examined two witnesses and has got marked Ex. W1 to W7.

9. My findings on the additional issue and point of dispute are as follows :—

(a) Additional issue—Yes.

(b) Point of Dispute.—The management is not justified in not promoting Sri G. L. Babu and he is entitled to the relief of promotion as shown below.

REASONS

10. The main contentions of the First Party Union is that the settlement dated 6-1-1984 Ex. M5 is the one between the Bank and the All India Grindlays Bank Employees Association and therefore it is not binding on the All India Grindlays Bank Employees Union and its members, the I Party. In that regard the Bank admits that All India Grindlays Bank Employees Federation or All India Grindlays Bank Employees Union are not parties to Ex. M5 and technically speaking it is not binding on them as is obvious from section 18(1) of the I.D. Act. In para 4 of the counter statement, the Bank has pleaded that since the settlement Ex. M5 provides several additional benefits and is favourable to the subordinate staff as compared with the settlement of 23-10-1967 Ex. M1, the former is binding on them. In order to support the said contention the learned Counsel for the Second Party referred to para 528, 529 and 530 of Shastri Award. Para 528 deals with the rival submissions made by the parties before the said tribunal. Para 529 lays down that the management are directed to see that deserving men already in service with required qualifications should be enabled to compete for such recruitment by reasonable relaxation of rules relating to age and other restrictions. Para 530 indicates that the award made a recommendation that members of subordinate staff who are sufficiently literate and intelligent should be considered for promotion to the clerical cadre. It is difficult to find in any of these paragraphs that if a subsequent settlement with another Union is shown to be beneficial or favourable to the workmen, it should be held to be binding on the union which is not a party to the settlement. The contentions raised in para 4 of the counter statement cannot therefore be accepted.

11. In para 5 of the counter statement the Bank contends that even though the settlement Ex. M5 is not binding on the First Party it can still comply and confirm with the provisions of the same. The Bank cannot direct or advise or recommend the union on the point whether it would comply with or act in conformity with any settlement entered into with another trade union, as long as it does not feel that its rights under any other settlements binding on both is not at stake. Thus the contention raised in para 5 of the counter statement is also not available. In para 6 of the counter statement the Bank has contended that the employee Babu applied for promotion by letter dated 30-4-84, gave the written test as stipulated by the Bank and then appeared for the interview held at Madras but did not qualify himself in the interview. In para 7 of the counter statement it is further contended that as per Ex. M5 the Bank has to provide terricotton uniforms to the sub-staff and babu had accented the uniform as shown in annexure IV. Babu as a member of the sub-staff was making attempts after attempts to get promotion to the clerical cadre. It can very well be imagined as to what bargaining power he can have when it is proposed that he should follow a certain procedure for promotion. He quietly ebided by the notifications issued by the Bank to get into that cadre. He had received the terricotton uniform along with other members of the sub-staff. It is not explained as to whether these acts on the part of Babu operate as admissions or estoppel and if so under which provision of law or authority. It would be needless to observe that such acts on the part of an employee can never make the settlement Ex. M5 binding on him, since he is not a party nor the union which he is a member is a party Ex. M5. Secondly it is specifically pleaded and demonstrated that the promotional avenues were made open to the sub-staff as per the notice of the Bank dated 25-4-1984 shown as annexure B to the claim statement Annexure A is the Banks letter dated 23-10-1967 to the federation showing the procedure of re-

cruitment to the clerical and subordinate staff. In the context of a finding that the settlement Ex. M5 is not binding on the First Party or Mr. Babu, there is no escape for the Second Party that the promotion of members of the sub-staff shall have to be in accordance with the settlement of 23-10-67 i.e. Ex. M1 or Annexure A to the claim statement. Ex. M1 discloses that there is no element of personal interview while considering the case of promotion of sub-staff members to the cadre of clerks. In the notice dated 25-4-1984 annexure B to the claim statement, it is shown in para 6 that the other criteria that will be observed are contained in the letter dated 23-10-1967 as amended by their letter dated 24-7-1970. The contents of letter dated 24-10-1970 have been reproduced in the very same notice dated 25-4-1984 Clause (3) of the said letter dated 24-7-1970 states as follows :—

"Any member of the subordinate staff who is sufficiently literate or qualified for the post of clerk-cum-typist may apply for the Bank's modified test and those who achieve a satisfactory pass will be considered for appointment".

12. The said clause does not introduce any element of personal interview. It is thus patent that the Bank itself declared on 25-4-1984 that for the existing 2 vacancies of clerk-cum-typists any member of the subordinate staff can apply and give modified test and achieve satisfactory pass for being appointed as such. It is an admitted fact that Babu had succeeded in the written test but did not perform satisfactorily in the personal interview. In the face of the finding that personal interview was not necessary for Babu to get the promotion but it was thrust on him, it follows that he is entitled to get the promotion. The evidence of WW2 Babu shows that he had passed the speed competition in English Typewriting, English Typewriting Junior grade and Bachelor of Accounts examination. Ex. W2, W3 and W4 prove the said facts. The letters at Ex. W5 to W7 make it obvious that he made all the best efforts to get the promotion. He has been questioned as regards letters marked as Ex. M3 and M6, Ex. M3 and M6 do not help the management. There is nothing wrong in the conduct of an employee to approach the union for redress if he has some grievances. Ex. M2 and M4 are two other letters from the employee to the management. As observed earlier they do not prevent the first party employee from claiming promotion. Ex. M7 and M8 are produced by the management to show that the employee had sought terricotton uniforms and chapples. Since it has been observed that receipt of uniform and chapples does not bind the employee as regards the settlement Ex. M5 they are of no help to the management.

13. WW1 Sadashivan and Ex. M10 the question paper and M9, the answer script written by one R. Narayan Rao have been relied upon by the first party to show that in the case of promotions for the sub-staff no personal interview was ever a rule. Ex. M11 shows that R. Narayan Rao was appointed as a clerk-cum-typist in May 1971. The said evidence relied upon by the 1st Party proves that Ex. M5 was not binding on the employees, and that annexure B to the claim statement and Ex. M1 alone bind the Bank, that the ground of not fairing well in the personal interview raised by the Bank is untenable and that since the employee had succeeded in the written test he is entitled to the promotion.

14. There is no dispute on the point that the First Party employee had received a letter dated 21-8-1984 from the office of the General Manager to appear for the interview. It is the same as at annexure C. Now that there is a finding that the personal interview was not at all necessary for him, it follows that on 21-8-1984, he was already qualified for being promoted as a clerk-cum-typist and that the management shall have to promote him with effect from 21-8-1984 with consequential benefits.

15. In the result, an award is passed to the effect that the management of Grindlays Bank Bangalore was not justified in not promoting Sri G. L. Babu from the post of the subordinate staff to the clerical cadre and that it shall promote him as such with effect from 21-8-1984 and shall give and pay the consequential benefits.

B. N. LAJGE, Presiding Officer
[No. L-12012/8/86-D.IV(A)]

का. आ. 3066—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन से सम्बद्ध नियोक्तों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है।

S.O. 3066.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (1 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 52 of 1987

Reference No. L-12012/67/86-D. IV (a) dated 1-5-1987

In the matter of dispute between :

Shri Mahendra Singh,
C/o Shri O. P. Nigam,
Vice President, U.P. Bank Employees' Union Congress,
295/387, Deen Dayal Road, Ashrafabad,
Lucknow.

AND

The Manager,
Punjab National Bank,
Gautam Budha Marg,
Lucknow.

APPEARANCES :

Shri Pradeep Kumar—for the management.
Shri O. P. Nigam—for the workman.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/67/86-D. II(A) dated 1st May, 1987, has referred the following dispute for adjudication to this tribunal:

Whether the action of the management of Punjab National Bank in retiring Shri Mahendra Singh prematurely w.e.f. 1st October, 1985 is justified? If not, to what relief is the workman concerned entitled?

2. Upon receipt of this reference notices were ordered to be issued to the parties for 17th June, 1987. On 17th June, 1987 neither party put in appearance. On 15th July, 1987 which was the next date fixed in the case, Shri Pradeep Kumar appeared on behalf of the management but on behalf of the workman no one put in appearance. On 15th July, 1987, 17th August, 1987 was fixed for orders. On 17th August, 1987, when this file was put before me for the first time, after examining the record I ordered fresh issue of notice to the workman fixing 9th September, 1987 for filing claim statement complete with documents, list of reliance and witnesses. On 9th September, 1987, while Shri Pradeep Kumar, put in appearance on behalf of the management, none put in appearance on behalf of the workman. So after noting down these facts I reserved the award. However, the same day at 12.10 p.m. an application from Shri O. P. Nigam describing himself as authorised representative of the workman was received through one Shri Mohan Lal. In the application it was prayed that the case be closed as the workman seemed as not interested in it. In view of it a no claim award is given in this case.

3 Award is made accordingly.

Let six copies of this award be sent to the government for its publication.

ARJAN DEV, Presiding Officer
[No. L-12012/67/86-D.IV(A)/D.II(A)]

का. आ. 3067—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ग्रिन्डलेय बैंक की एन सी के प्रबंधन से सम्बद्ध नियोक्तों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है।

S.O. 3067.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Grindlays Bank P.L.C. and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, the 7th September, 1987

Shri B. N. Lalge, B.A. (Hon.), I.L.B., Presiding Officer.
Central Reference No. 54/87
Old Central Reference No. 18/86

I PARTY :

The General Secretary,
Grindlays Bank Employees' Union,
C/o Grindlays Bank,
Unity Buildings,
Bangalore-560002.
Versus

II PARTY :

The Manager,
Grindlays Bank Plc.,
Unity Buildings,
Bangalore-560002.

APPEARANCES :

For the I Party—Sri P. N. Subramanyan, General Secretary.

For the II Party—Sri C. Krishna Murthy, Manager Industrial Relations.

AWARD

By Order No. L-12012/30/86-D. IV(A) dated 25th August, 1986, the Government of India had made a present reference to the State Government Industrial Tribunal Bangalore constituting the same as the Central Government Tribunal.

2. By a General Order No. L-11025/A/87-D-IV(B) dated 13th February, 1987, it was being transferred to this Tribunal. In the said list the present dispute is shown at serial No. 55 in the said Order.

3. The point of reference is as follows :

"Whether the management of Grindlays Bank is justified in promoting Shri N. S. Vijayadevan, junior officer from the post of head cashier w.e.f. 2nd September, 1985 in violation of terms of settlement dated 6th January, 1984 and thereby depriving promotion opportunities to workmen of clerical cadre?"

The First Party union has then filed its claim statement and has, inter-alia contended as follows.

4. The first party is a registered union established in 1957. It is affiliated to All India Grindlays Bank Employees Federation. The terms and conditions of service are governed by Shastri award, Desai award and bipartite settlement. In the Banking Industry and also in the second party bank, there is a distinct category of cashiers assistant head cashier and head cashiers. Clause 8 of the settlement dated 16th September, 1970 deals with the said subject. They are treated as workmen paras 5.218, 5.219 and 5.282 of Desai award make it clear that they are workmen. Schedule No. 3 of the settlement dated 17th September, 1984 has kept them in a separate category. Desai award gave the Bank the option to pay higher special allowance or a separate pay scale to any category of workman, as per para 5.219 and 5.292. The promotion of Shri Vijayadevan, who was a head cashier is in violation of the promotion policy statement. The union had correspondence with the management in that connection. The Bank has violated the settlements dated 14th January, 1977 and 6th January, 1984 has promoted him. The said action of the Bank has denied the promotional opportunities to 32 employees. The conciliation proceedings also filed. No workman can be promoted as a junior officer without following the promotional policy settlements (hence forth called as promotional policy settlements). As soon as there is a vacancy of the post of a junior officer the management was bound to follow the promotional policy settlements. It has not done so. The Bank has shown favouritism has adopted an unfair labour practice. It has committed an

offence under section 29 of the I.D. Act. Sri Vijayadevan had appeared for the test for the said post in May 1979 and was not selected. His promotion on 1st September 1980 is an act of favouritism. Hence it is prayed that an award may be passed to retrace from its said act for damages at the rate of Rs. 100 per month for each affected workman, and for a direction to take penal action etc.

5. The Second Party management has filed its counter statement. Its contentions in brief are as follows :—

6. Promotion from clerical to management cadre grade A is governed by settlement dated 6th January, 1984. It is not binding on the First Party union. The first party union is bound by the settlement dated 14th January, 1977. Both are identical except that in the settlement of 1984, the eligibility period for promotion was reduced to 3 years from 6 years. Prior to the settlement of 14th January, 1977 the promotion from clerical to management cadre was governed by the settlement dated 29th April, 1970. Under the settlements dated 14th January, 1977 and 6th January, 1984 it is not incumbent on the management to make promotions only from the clerical cadre. From the nature of the duties of Vijayadevan as head cashier it was manifest that he was not a member of the clerical cadre. His duties were of a supervisory nature. In selecting Vijayadevan for promotion from the supervisory cadre to the management cadre, the Bank has not committed breach of any settlement. The said settlements do not create any vested right in the clerks. The First Party had no locus standi to raise the dispute. The reference may be rejected.

7. Sri N. S. Vijayadevan has been implicated as II respondent and his counter statement in brief reads as follows :

7. The work of the Bank is divided into two departments. (1) Accounts Department (2) Cash Department. The maximum position in the accounts department for a clerk is special assistant and in the cash department the assistant head cashier. These rules regarding promotion are contained in settlements dated 14th January, 1977 and 6th January, 1984. The post of the head cashier does not belong to clerical cadre. He was selected to the post of head cashier on 1st September, 1980 in the cadre of staff on special rate of pay (hence forth called as staff on special rate of pay). The nature of his duties were supervisory. The observations in para 5.215 of the Desai award show that the post of a head cashier is of a supervisory cadre. He does not belong to the clerical cadre and the said settlements are not binding. He has been duly selected after an interview. The reference may be rejected.

8. In view of the said pleadings, the following 2 additional issues have been raised.

(1) Whether there is proper espousal to raise this dispute ?

(2) Whether the I Party proves that the promotion of Sri N. S. Vijayadevan from head cashier to officer's cadre by the II Party amounts to unfair labour practice and breach of the promotion policy settlement ?

9. Respondent II the bank has examined 1 witness and has got marked Ex. M1.

10. The II respondent has got examined himself.

11. For the I party one witness has been examined. Ex. W1 to W6 have been got marked.

12. The parties have been heard.

13. My findings on the issue and points of dispute are as follows :—

(1) Additional Issue No. 1—Yes.

(2) Additional Issue No. 2—Yes.

POINTS OF DISPUTE

The II Party is not justified in promoting Sri N. S. Vijayadevan. The I Party is entitled to the relief shown below :—

REASONS

Additional Issue No. 1.

The II party has contended that there is no proper espousal of the dispute and that it is not an industrial dispute. On 26th June, 1987 the representative of the I party has produced a memorandum signed by the 54 workmen supporting the dispute. The Learned Counsel for the II party

contended that the document may not be admitted* in evidence since it had been filed after the conclusion of their sides. In para 4 of the claim statement the I party has asserted that it is a registered trade union functioning since 2-3-57 and it represents all the workmen employed in the Bangalore branch and it is affiliated to all India Grindlays Bank Employees Federation. There is no specific denial of the same. In para 3 of the counter statement, the Bank contends that the I party is bound by the settlement dated 14-1-77. Annexure 2 to the counter statement of the Bank itself shows that the management had entered into settlements with the I party also. The documents produced by the I party further substantiate their case that it is a union having good number of membership. I do not find that the memorandum signed by 54 workmen filed on 26-6-87 takes the Bank by surprise and therefore should not be admitted. The claim statement and annexure K to the claim statement have put the Bank with sufficient notice that it espouses a general cause of at least 32 workmen shown in annexure K. Admitting the said document signed by 54 workmen on 26-6-87 and looking at the pleadings and annexure K it can be safely stated that it is an industrial dispute and properly espoused by the I party. The learned counsel for the II party placed reliance on the case *Nellai Cotton Mills Thirunelveli V/s. Labour Court Madurai* [1965(1) LLJ page 95] and argued that it is not an industrial dispute. The facts of the case are entirely different and it is not pertinent.

On the other hand the I party cited the case of *Mathura Electric Supply Company Limited Vs. the State of Uttar Pradesh* (AIR 1981 SC page 1526). The authority shows that when a claim is substantiated by a large number of employees, it should be held as an industrial dispute. The evidence produced by the I party is satisfactory to hold that there is proper espousal.

Additional Issue No. 2 and point of Dispute :—

In para 4 of the counter statement of the I respondent Bank, it has been stated that the settlement dated 14-1-1977 and 6-1-84 are identical except that in the latter, the eligibility period is reduced to 3 years from 6 years. It is one of the contentions of the bank that the I party union is not party to the settlement of 6-1-84, Ex. M1 and therefore the same cannot be enforced against the Bank at the instance of the I party union. Indeed, section 18 (1) of the I.D. Act states that if the settlement is otherwise than in the course of conciliation it shall bind only the parties. Since there is no dispute on the point that the settlements of 6-1-84 and 14-1-77 are identical except for the reduction in the eligibility period of service it would be obvious that the II party cannot derive any benefit from the same. The management cannot endeavour to say that in regard to the employees who are members of the Association they will apply the eligibility of 3 years as per settlement of 6-1-84 whereas they will insist upon the eligibility of 6 years to those who are members of the union. Thus it is immaterial as to whether the settlement of 6-1-84 is binding on the I party or not as long as it is admitted that the II party is bound by the settlement at 14-1-77.

14. The important question is whether it was incumbent on the bank to make promotions to the management cadre, i.e. junior officers from only the clerical cadre as contended by the I party or whether the Bank could have very well made the promotions from the alleged supervisory cadre of head cashiers.

15. Annexure C to the settlement dated 6-1-84 is marked as Ex. M1 (a). It deals with the policy regarding promotion from clerical cadre to management cadre (job grade A). Clause 1 of the Ex. M1(a) states that promotion from the clerical cadre to the management cadre will be made on a centre-wise basis from those who have completed 3 years of continuous service in the Bank and it shall be as per the rules shown below there-in. There is no dispute on the point that the selection of Vijayadevan is not in accordance with the rules 2 of 7 to Ex. M1 (a). The ground pleaded by the bank is that because he belonged to the non-clerical cadre (VIZ) supervisory cadre of head cashiers.

16. Whether there is any category as that of head cashiers and whether the said category is of supervisory character beyond the scope of workmen is a different question which arises only if a finding is to be recorded that the Bank had the liberty to make promotions to the grade "A" post even otherwise from the clerical cadre.

17. There is no case pleaded in the counter statement of the I respondent Bank that out of specific member or junior grade A posts certain percentage of posts are reserved for direct recruit or from such other cadres falling under supervisory nature of head cashiers and only a limited percentage of Grade A posts are reserved for persons by promotion from clerical cadre. On page 9 of Ex. M1 in clause 'D' it has been stated that promotion from the clerical cadre to the management cadre will be made on a centrewise basis from those who had completed 3 years of continuous service. In para 6 of the counter statement of the bank it has been set out that promotion to grade A post was necessarily from clerical grade as per promotion policy settlement dated 29-4-70, but it is not so as per the settlements dated 14-1-77 and 6-1-84. The contention holds no water. Clause D of Ex. M1 which deals with the promotion policy from clerical to management cadre does not provide that only a specific percentage of management cadre posts shall remain reserved for the clerical cadre employees. Similarly it does not provide that there should be any intermediate step of employees doing the supervisory nature of work who shall have preference for getting into the management cadre by promotion, without having to submit to tests as per the settlement dated 6-1-84.

18. The management cannot be permitted to say that it had a right to make promotions to the management cadre besides the employees of the clerical cadre Ex. M- and M1(a) prevent the bank from doing so.

19. In para 2 of the counter statement of II respondent Vijayadevan it has been contended that the highest post in the clerical cadre in the cash department is that of the head cashier. He refers to settlements dated 14-1-77 which is at annexure to the claim statement. The heading reads that it is a settlement regarding banks promotion as entered in to with the all India Grindlays Bank Employees Federation. As stated earlier clause No. 3 of part 2 of annexure 2 makes the only difference that promotion to the management cadre from clerical cadre will be from those who have completed 6 years of service. It is of no consequence. In para 3 of the counter statement the II respondent contends that as per Shastri award and Desai award and these bipartite settlement, the post of head cashier is outside the ambit of clerical cadre. In para 4, he further contends that as per para 5.215 of the Desai award these awards and settlement do not apply to non-workmen. Para 5.215 states that non workmen were not before the Honourable Tribunal and there was no justification to consider about their scales in their absence. In para 6 of the claim statement clause 8 of the settlement dated 16-9-70 has been reproduced and to it shows that the bank agreed to appoint assistant head cashiers with effect from 1-10-70 for the benefit of those, who has been excluded from the appointment for the posts of head clerks and special assistants. From para 5.218 of Desai award it had been pointed out that whether a workman is entitled to supervisory allowance or not the designation shall not be decisive but it should be the nature of his duties. Para 5.219 provides that the Bank are liberty to provide for higher allowance for supervisory staff or to have a separate grade for them, provided that the total wages shall not be less than what had been provided in the award para 5.221 shows that it provided special allowances for various categories of workmen. Head cashiers are one among various categories of workmen. Head cashier are among them with little difference. In para 5.282 of Desai award it has been stated that the workmen shown their in shall get special allowance and at Sl. No. 8 there is the category of workmen of head cashiers. Para 5.292 also provide for higher rate of allowances for these categories including head cashiers. The evidence of WW1 Sundresh and the documents at Ex. W2, Ex. W5 and Ex. W6 indicate that at times assistant cashiers have been authorised to work as head cashiers. In para 6 of his evidence MW2 Vijayadevan states that he was not performing the duties shown in clause A, C and E except at No. 5. In cross-examination in para 8 he concedes that the clearing department he was not maintaining scroll they do in the cash department. He further admits that scroll maintained in the cash department is signed by cash officer. As regards the reserve cash, he states that transactions are done by head cashier and cash officer. Para 15 he admits that if an head cashier goes on leave

an assistant cashier will be asked to officiate. He further admits that the final authority to sign the cash journal is the cash officer and not head cashier. In para 70 the counter statement of the I respondent it is stated that Vijayadevan joined as a head cashier in the cadre of staff on special rate of pay. The provisions contained in paras 5.217 to 5.222 of Desai award indicates that special allowances were provided for the workmen who do the work of responsible nature. An employee on SSRP is not necessarily of supervisory class. It was pointed out to me that the grant of special allowance was not to the officers of the management cadre Annexure III to the claim statement is the promotion policy statement of the bank under the settlement dt. 29-4-70. It indicates that approximate number of anticipated vacancies in the centre for the promotion to the post of officers cadre should be published and then selection should be made a provided therein. It implies that all the posts of the officers cadre were to be filled up only by promotion. Neither the promotion policy settlement of 29-4-70 or of 14-1-77 nor of 6-1-84 make a provision for introducing the employees of the supervisory class to get into the grade A posts by promotion, without providing opportunities to the senior employees of the clerical cadre.

20. The evidence of MW1 Appa Rao and MW2 Vijayadevan is on the point that the letter was doing supervisory nature of work such as deploying of clerical staff and sub staff, attending the meetings of Reserve Bank taking interviews of customers, taking decision in depositing money in Reserve Bank and taking decision for change in clearing timings. In the cross examination MW1 admits that he has never worked as a cashier or head cashier or an employee of staff on special rate of pay. MW1 Appa Rao further admits that all the transactions in the cash department come to the final state only when the cash officer signs the concerned documents. The definition of "workmen" in section 2(S) indicates that a person doing supervisory work is a workman but only clause (iv) makes a distinction to the extent that either by nature of the duties attached to the office or by reason of the powers vested in him he does work mainly of a managerial nature. In the context of aforesaid admissions it is difficult to hold that the head cashier is an employee of the supervisory cadre who is excluded under section 2(s)(iv) of the I.D. Act.

21. The I party union has contended that by a notice dated 18-7-86 the II party Bank had published notices as per annexure I and J that certain jobs will be offered to the members of the staff and so also the management cadre jobs. The said documents support their contentions that the bank cannot bypass the settlement and promote employees to grade A posts contending that they are from supervisory cadre.

22. The learned representative for the I party pointed out to the extracts of the Banks operational manual marked as list Ex. W1. It is shown that rental of safedeposit lockers by a head cashier, requires the approval of the cash officer. Ex. W2 indicates that grade A officers are authorised to pass cheques to the ceiling of Rs. 5 lakhs. These extracts of list Ex. W1 substantiate the case of the I party that the post of the head cashier cannot be said to be of a supervisory nature which is excepted within the meaning of clause (iv) of Section 2(s) of the I.D. Act.

23. MW2 Vijayadevan has enumerated his duties as follows :—

1. Staff Deployment (2) To ensure correct internal controls are followed to obtain good audit rating; (3) to control costs; (4) to provide efficient and speedy service to the customer. (5) to attend customers complaints; (6) to deploy the idle staff during rush hours to attend to the customers; (7) to supervise the work in the department upto date; (8) to allot work to the staff in the department; (9) to provide all the facilities for the smooth functioning of the department; (10) ordering the rotation of the staff is MW2.

In the 1st place, there is no documentary evidence about the items of work which Vijayadevan was looking after as a head cashier. The learned counsel for the II party referred to the case of Miss A. Sunderbmal Vs. Government of Goa Damian and Diu [1983(II) LLJ page 491] and submitted that

the definition of workman as per section 2(s) of the Act does not apply to the case of a head cashier in the context of the duties shown above. In para 17 of the judgement it has been observed that the word supervision used in section 2(s) of the act means supervision of the work done by the employee in a higher position over the employees in the lower position. Deployment of staff among other duties does not make a person an employee of the cadre of the supervisor. The evidence of MW1 Appa Rao in para 3 shows that Vijayadevan was already in management cadre, when he was promoted to the present cadre. Para 3 of his evidence does not support the case of the management that MW2 was working in a supervisory cadre. Attending to the meetings called by the clearing department and giving interviews to the customers do not show supervisory nature of the work. MW1 and MW2 state that six clerks and one sub staff were working under MW2. None of them has been examined. The Learned Counsel for the I party referred to the case of Anand Bazar Patrika Private Limited vs. their workmen [1969 (11) LLJ page 670] and contended that if a person is mainly doing clerical nature of work and for a fraction of the time also the supervisory work it cannot make him an employee of the supervisory cadre. Applying the principles of the said authority it can be very well said that deployment of the staff and allotment of work to the staff in the department among other duties of MW2 shown above would not bring him within the supervisory cadre. The Learned Counsel for the I party referred to the case of Lyods Bank Limited V/S pannalal Gupta Limited (1961 (1) LLJ page 13) and argued that the facts of the present case would show that MW2 cannot be sent to be of supervisory cadre. The authority has made a mention of an employee of the audit Department and it has been observed that such an employee cannot be said to be of a supervisory cadre. Applying the principles of the said authority to the facts of the present case, I find that the designation of the head cashier is by itself not sufficient to hold him as of the supervisory cadre. Secondly the nature of his major part of the duties is not such as to be called as of the supervisory cadre and even if it is held that persons of the supervisory cadre of management cadre could have completed for the Promotional post the evidence produced by the II party does not prove that MW2 belonged to either of them. The jurisdiction of this tribunal is not barred, since it has not been established that MW2 belonged to the supervisory or managerial cadre.

26. The Learned Counsel for the II party cited the case Brook Bond India Private Limited V/S their workmen (1963 (1) LLJ S. C. Page 256) and contended that promotion is a part of the management function and unless unfair labour practice or malafides is made out it should not be interfered with the Learned Counsel for the first party stressed on the very same authority and contended that the Bank has committed acts of unfair labour practice while promoting MW2 and that it is malafide, as per section 2(ra) of the I.D. Act Unfair labour practice means any of the practices specified in the V schedule. The ninth item of the V schedule shows that if the management shows partiality to one of the workers regardless of merit then it commits an act of unfair labour practice. The management has not followed the promotional policy settlement in giving promotion to MW2. The evidence of MW1 Apparao and MW2 Vijayadevan that after due interview by a panel of senior managers he has been selected is of no consequence in the face of non adoption of promotional policy settlements and procedure shown therein. The authority of the Brook Bond India Limited in thus of no assistance to the management.

27. The Learned Counsel for the II party referred to the case of Reserve Bank of India, Bombay Vs. C.T. Dighe and other (1981(11) LLJ page 223) and argued that if what is effected is only chance of promotion then there is no interference in the conditions of service of an employee and that the court cannot interfere. The case involved is not about a mere chance of promotion but it is a case where,

there is a denial of promotional opportunities to atleast 32 workmen perpetuated by an act of unfair labour practice. The I party has put forth a case that the Bank has committed acts of unfair labour practice and the tribunal may give direction for prosecution and also award compensation to all the affected workmen. In the context of the facts and circumstances of the case it would be sufficient to hold that the II party Bank is bound to follow only the settlement Ex. M1 and especially Ex. M1(a) whenever vacancies to the posts of grade A (junior officers) arise, and it shall now un-do the injustice caused to the 32 employees within a period of 3 months from the date of the award coming into effect and shall provide an opportunity to all the 32 persons shown in annexure K along with some other employees of the clerical cadre if so eligible as on 2-9-85 and then promote the selected candidate to the post of the junior officer, which is now held by vijayadevan.

29. There is no reason as to why the I party should not get costs. A lumpsum of cost of Rs. 500 is deemed reasonable.

29. In the result, an award is passed to the effect that the management of Grindlays Bank was not justified in promoting Sri N. S. Vijayadevan to the post of the junior officer from the post of head cashier with effect from 2-9-85. The said promotion is hereby set aside and the management is directed to follow the principles and rules of promotional policy settlements as per Ex. M1 and M1 (a) as on 2-9-85 and after giving an opportunity to all the eligible employees as on that day effect the said promotion to the post of a junior officer giving all the benefit to him with effect from 2-9-85. The II party Bank shall pay cost of Rs. 500 to the I party.

B. N. LALGE, Presiding Officer.

[No. L-12012/30/86-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 20 अक्टूबर 1987

प्रदेश

का. प्रा. 3068—भारत सरकार के श्रम मंत्रालय की अधिवृत्ता संख्या का. प्रा. 1780, तारीख 19 जून, 1963 द्वारा संघीय श्रम न्यायालय के पीठासीन अधिकारी के कार्यालय में, जितना सुझावर जापुर में है, एक पद रिक्त हुआ है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 8 के उपबंधों के अनुसार में केन्द्रीय सरकार श्री जगत सिंह को उक्त श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[संख्या एस-11020/3/81-डी-1 (ए)]

New Delhi, the 20th October, 1987

ORDER

S.O. 3068.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court with headquarters at Jaipur constituted by the notification of the Government of India in the Ministry of Labour, S.O. No. 1780 dated the 19th June, 1963;

Now, therefore, in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Jagat Singh as the Presiding Officer of the Labour Court constituted as aforesaid.

[No. S-11020/3/81-D. I(A)]

का. अ. 3069.--भारत सरकार, श्रम मंत्रालय की अधि-
सूचना संख्या का. अ. 1633, दिनांक 16 अप्रैल, 1982 द्वारा, यतिन
श्रम न्यायालय, एनकुलम के पीठासीन अधिकारी के कार्यालय में एक
पद रिक्त हुआ है ;

अतः अधि, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14)
की धारा 8 के उपबन्धों के अनुसार में, केन्द्रीय सरकार श्री टी.
एम. हसन पिल्लै को 10 जून, 1987 के पूर्वदिन से उक्त श्रम न्यायालय
का पीठासीन अधिकारी नियुक्त करता है।

[संख्या. एम - 11025 /6/82 की-1 (ए)]

नन्द लाल, अवर सचिव

S.O. 3069.—Whereas a vacancy occurred in the
Office of the Presiding Officer of the Labour Court, Ernaku-
lam constituted by the notification of the Government of
India in the Ministry of Labour No. S.O. 1633 dated the
16th April, 1982;

Now, therefore, in pursuance of the provisions of section
8 of the Industrial Disputes Act, 1947 (14 of 1947), the
Central Government hereby appoints Shri T. M. Hassan
Pillai as the Presiding Officer of the said Labour Court with
effect from the forenoon of the 10th June, 1987.

[No. S-11025/6/82-D. I(A)]

NAND LAL, Under Secy.

